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MISS TEMPY'S WATCHERS.

THE time of year was April; the place was a small farming town in New Hampshire, remote from any railroad. One by one the lights had been blown out in the scattered houses near Miss Tempy Dent's; but as her neighbors took a last look out-of-doors, their eyes turned with instinctive curiosity toward the old house, where a lamp burned steadily. They gave a little sigh. "Poor Miss Tempy!" said more than one bereft acquaintance; for the good woman lay dead in her north chamber, and the lamp was a watcher's light. The funeral was set for the next day, at one o'clock.

The watchers were two of the oldest friends, Mrs. Crowe and Sarah Ann Binson. They were sitting in the kitchen, because it seemed less awesome than the unused best room, and they beguiled the long hours by steady conversation. One would think that neither topics nor opinions would hold out, at that rate, all through the long spring night; but there was a certain degree of excitement just then, and the two women had risen to an unusual level of expressiveness and confidence. Each had already told the other more than one fact that she had determined to keep secret; they were again and again tempted into statements that either would have found impossible by daylight. Mrs. Crowe was knitting a blue yarn stocking for her husband; the foot was already so long that it seemed as if she must have forgotten to narrow it at the proper time. Mrs.

Crowe knew exactly what she was about, however; she was of a much cooler disposition than Sister Binson, who made futile attempts at some sewing, only to drop her work into her lap whenever the talk was most engaging.

Their faces were interesting, — of the dry, shrewd, quick-witted New England type, with thin hair twisted neatly back out of the way. Mrs. Crowe could look vague and benignant, and Miss Binson was, to quote her neighbors, a little too sharp-set; but the world knew that she had need to be, with the load she must carry of supporting an inefficient widowed sister and six unpromising and unwilling nieces and nephews. The eldest boy was at last placed with a good man to learn the mason's trade. Sarah Ann Binson, for all her sharp, anxious aspect, never defended herself, when her sister whined and fretted. She was told every week of her life that the poor children never would have had to lift a finger if their father had lived, and yet she had kept her steadfast way with the little farm, and patiently taught the young people many useful things, for which, as everybody said, they would live to thank her. However pleasureless her life appeared to outward view, it was brimful of pleasure to herself.

Mrs. Crowe, on the contrary, was well to do, her husband being a rich farmer and an easy-going man. She was a stingy woman, but for all that she looked kindly; and when she gave away any-

thing, or lifted a finger to help anybody, it was thought a great piece of beneficence, and a compliment, indeed, which the recipient accepted with twice as much gratitude as double the gift that came from a poorer and more generous acquaintance. Everybody liked to be on good terms with Mrs. Crowe. Socially she stood much higher than Sarah Ann Binson. They were both old schoolmates and friends of Temperance Dent, who had asked them, one day, not long before she died, if they would not come together and look after the house, and manage everything, when she was gone. She may have had some hope that they might become closer friends in this period of intimate partnership, and that the richer woman might better understand the burdens of the poorer. They had not kept the house the night before; they were too weary with their care of their old friend, whom they had not left until all was over.

There was a brook which ran down the hillside very near the house, and the sound of it was much louder than usual. When there was silence in the kitchen, the busy stream had a strange insistence in its wild voice, as if it tried to make the watchers understand something that related to the past.

"I declare, I can't begin to sorrow for Tempy yet. I am so glad to have her at rest," whispered Mrs. Crowe. "It is strange to set here without her, but I can't make it clear that she has gone. I feel as if she had got easy and dropped off to sleep, and I'm more scared about waking her up than knowing any other feeling."

"Yes," said Sarah Ann, "it's just like that, ain't it? But I tell you we are goin' to miss her worse than we expect. She's helped me through with many a trial, has Temperance. I ain't the only one who says the same, neither."

These words were spoken as if there were a third person listening; somebody beside Mrs. Crowe. The watchers could

not rid their minds of the feeling that they were being watched themselves. The spring wind whistled in the window crack, now and then, and buffeted the little house in a gusty way that had a sort of companionable effect. Yet, on the whole, it was a very still night, and the watchers spoke in a half-whisper.

"She was the freest-handed woman that ever I knew," said Mrs. Crowe, decidedly. "According to her means, she gave away more than anybody. I used to tell her 't wa'n't right. I used really to be afraid that she went without too much, for we have a duty to ourselves."

Sister Binson looked up in a half-amused, unconscious way, and then recollected herself.

Mrs. Crowe met her look with a serious face. "It ain't so easy for me to give as it is for some," she said simply, but with an effort which was made possible only by the occasion. "I should like to say, while Tempy is laying here yet in her own house, that she has been a constant lesson to me. Folks are too kind, and shame me with thanks for what I do. I ain't such a generous woman as poor Tempy was, for all she had nothin' to do with, as one may say."

Sarah Binson was much moved at this confession, and was even pained and touched by the unexpected humility. "You have a good many calls on you" — she began, and then left her kind little compliment half finished.

"Yes, yes, but I've got means enough. My disposition's more of a cross to me as I grow older, and I made up my mind this morning that Tempy's example should be my pattern henceforth." She began to knit faster than ever.

"'Tain't no use to get morbid: that's what Tempy used to say herself," said Sarah Ann, after a minute's silence. "Ain't it strange to say 'used to say'?" and her own voice choked a little. "She never did like to hear folks git goin' about themselves."

"'Twas only because they're apt to

do it so as other folks will say 't was n't so, an' praise 'em up," humbly replied Mrs. Crowe, "and that ain't my object. There wa'n't a child but what Tempy set herself to work to see what she could do to please it. One time my brother's folks had been stopping here in the summer, from Massachusetts. The children was all little, and they broke up a sight of toys, and left 'em when they were going away. Tempy come right up after they rode by, to see if she could n't help me set the house to rights, and she caught me just as I was going to fling some of the clutter into the stove. I was kind of tired out, starting 'em off in season. 'Oh, give me them!' says she, real pleading; and she wropped 'em up and took 'em home with her when she went, and she mended 'em up and stuck 'em together, and made some young one or other happy with every blessed one. You 'd thought I 'd done her the biggest favor. 'No thanks to me. I should ha' burnt 'em, Tempy,' says I."

"Some of 'em came to our house, I know," said Miss Binson. "She 'd take a lot o' trouble to please a child, 'stead o' shoving of it out o' the way, like the rest of us when we 're drove."

"I can tell you the biggest thing she ever gave, and I don't know 's there 's anybody left but me to tell it. I don't want it forgot," Sarah Binson went on, looking up at the clock to see how the night was going. "It was that pretty-faced Trevor girl, who taught the Corners school, and married so well afterward, out in New York State. You remember her, I dare say?"

"Certain," said Mrs. Crowe, with an air of interest.

"She was a splendid scholar, folks said, and give the school a great start; but she 'd overdone herself getting her education, and working to pay for it, and she all broke down one spring, and Tempy made her come and stop with her awhile,—you remember that? Well, she had an uncle, her mother's brother,

out in Chicago, who was well off and friendly, and used to write to Lizzie Trevor, and I dare say make her some presents; but he was a lively, driving man, and did n't take time to stop and think about his folks. He had n't seen her since she was a little girl. Poor Lizzie was so pale and weakly that she just got through the term o' school. She looked as if she was just going straight off in a decline. Tempy, she cosseted her up awhile, and then, next thing folks knew, she was tellin' round how Miss Trevor had gone to see her uncle, and meant to visit Niagary Falls on the way, and stop over night. Now I happened to know, in ways I won't dwell on to explain, that the poor girl was in debt for her schoolin' when she come here, and her last quarter's pay had just squared it off at last, and left her without a cent ahead, hardly; but it had fretted her thinking of it, so she paid it all; they might have dunned her that she owed it to. An' I taxed Tempy about the girl's goin' off on such a journey till she owned up, rather 'n have Lizzie blamed, that she 'd given her sixty dollars, same 's if she was rolling in riches, and sent her off to have a good rest and vacation."

"Sixty dollars!" exclaimed Mrs. Crowe. "Tempy only had ninety dollars a year that came in to her; rest of her livin' she got by helpin' about, with what she raised off this little piece o' ground, sand one side an' clay the other. An' how often I 've heard her tell, years ago, that she 'd rather see Niagary than any other sight in the world!"

The women looked at each other in silence; the magnitude of the generous sacrifice was almost too great for their comprehension.

"She was just poor enough to do that!" declared Mrs. Crowe at last, in an abandonment of feeling. "Say what you may, I feel humbled to the dust," and her companion ventured to say nothing. She never had given away sixty

dollars at once, but it was simply because she never had it to give. It came to her very lips to say in explanation, "Tempy was so situated;" but she checked herself in time, for she would not break in upon her own loyal guarding of her dependent household.

"Folks say a great deal of generosity, and this one's being public-sperited, and that one free-handed about giving," said Mrs. Crowe, who was a little nervous in the silence. "I suppose we can't tell the sorrow it would be to some folks not to give, same's 't would be to me not to save. I seem kind of made for that, as if 't was what I'd got to do. I should feel sights better about it if I could make it evident what I was savin' for. If I had a child, now, Sarah Ann," and her voice was a little husky, — "if I had a child, I should think I was heapin' of it up because he was the one trained by the Lord to scatter it again for good. But here's Crowe and me, we can't do anything with money, and both of us like to keep things same's they've always been. Now Priscilla Dance was talking away like a mill-clapper, week before last. She'd think I would go right off and get one o' them new-fashioned gilt-and-white papers for the best room, and some new furniture, an' a marble-top table. And I looked at her, all struck up. 'Why,' says I, 'Priscilla, that nice old velvet paper ain't hurt a mite. I should n't feel 't was my best room without it. Dan'el says 't is the first thing he can remember rubbin' his little baby fingers on to it, and how splendid he thought them red roses was.' I maintain," continued Mrs. Crowe stoutly, "that folks wastes sights o' good money doin' just such foolish things. Tearin' out the insides o' meetin'-houses, and fixin' the pews different; 't was good enough as 't was with mendin'; then times come, an' they want to put it all back same's 't was before."

This touched upon an exciting subject to active members of that parish.

Miss Binson and Mrs. Crowe belonged to opposite parties, and had at one time come as near hard feelings as they could, and yet escape them. Each hastened to speak of other things, and to show her untouched friendliness.

"I do agree with you," said Sister Binson, "that few of us know what use to make of money, beyond every-day necessities. You've seen more o' the world than I have, and know what's expected. When it comes to taste and judgment about such things, I ought to defer to others;" and with this modest avowal the critical moment passed when there might have been an improper discussion.

In the silence that followed, the fact of their presence in a house of death grew more clear than before. There was something disturbing in the noise of a mouse gnawing at the dry boards of a closet wall near by. Both the watchers looked up anxiously at the clock; it was almost the middle of the night, and the whole world seemed to have left them alone with their solemn duty. Only the brook was awake.

"Perhaps we might give a look upstairs now," whispered Mrs. Crowe, as if she hoped to hear some reason against their going just then to the chamber of death; but Sister Binson rose, with a serious and yet satisfied countenance, and lifted the small lamp from the table. She was much more used to watching than Mrs. Crowe, and much less affected by it. They opened the door into a small entry with a steep stairway; they climbed the creaking stairs, and entered the cold upper room on tiptoe. Mrs. Crowe's heart began to beat very fast as the lamp was put on a high bureau, and made long, fixed shadows about the walls. She went hesitatingly toward the solemn shape under its white drapery, and felt a sense of remonstrance as Sarah Ann gently, but in a business-like way, turned back the thin sheet.

"Seems to me she looks pleasanter

and pleasanter," whispered Sarah Ann Binson impulsively, as they gazed at the white face with its wonderful smile. "To-morrow 't will all have faded out. I do believe they kind of wake up a day or two after they die, and it's then they go." She replaced the light covering, and they both turned quickly away; there was a chill in this upper room.

"'T is a great thing for anybody to have got through, ain't it?" said Mrs. Crowe softly, as she began to go down the stairs on tiptoe. The warm air from the kitchen beneath met them with a sense of welcome and shelter.

"I don' know why it is, but I feel as near again to Tempy down here as I do up there," replied Sister Binson. "I feel as if the air was full of her, kind of. I can sense things, now and then, that she seems to say. Now I never was one to take up with no nonsense of sperits and such, but I declare I felt as if she told me just now to put some more wood into the stove."

Mrs. Crowe preserved a gloomy silence. She had suspected before this that her companion was of a weaker and more credulous disposition than herself. "'T is a great thing to have got through," she repeated, ignoring definitely all that had last been said. "I suppose you know as well as I that Tempy was one that always feared death. Well, it's all put behind her now; she knows what 't is." Mrs. Crowe gave a little sigh, and Sister Binson's quick sympathies were stirred toward this other old friend, who also dreaded the great change.

"I'd never like to forgit almost those last words Tempy spoke plain to me," she said gently, like the comforter she truly was. "She looked up at me once or twice, that last afternoon after I come to set by her, and let Mis' Owen go home; and I says, 'Can I do anything to ease you, Tempy?' and the tears come into my eyes so I could n't see what kind of a nod she give me. 'No, Sarah

Ann, you can't, dear,' says she; and then she got her breath again, and says she, looking at me real meanin', 'I'm only a-gettin' sleeper and sleeper; that's all there is,' says she, and smiled up at me kind of wishful, and shut her eyes. I knew well enough all she meant. She'd been lookin' out for a chance to tell me, and I don' know 's she ever said much afterwards."

Mrs. Crowe was not knitting; she had been listening too eagerly. "Yes, 't will be a comfort to think of that sometimes," she said, in acknowledgment.

"I know that old Dr. Prince said once, in evenin' meetin', that he'd watched by many a dyin' bed, as we well knew, and enough o' his sick folks had been scared o' dyin' their whole lives through; but when they come to the last, he'd never seen one but was willin', and most were glad, to go. "'T is as natural as bein' born or livin' on,' he said. I don't know what had moved him to speak that night. You know he wa'n't in the habit of it, and 'twas the monthly concert of prayer for foreign missions anyways," said Sarah Ann; "but 't was a great stay to the mind to listen to his words of experience."

"There never was a better man," responded Mrs. Crowe, in a really cheerful tone. She had recovered from her feeling of nervous dread, the kitchen was so comfortable with lamplight and firelight; and just then the old clock began to tell the hour of twelve with leisurely whirring strokes.

Sister Binson laid aside her work, and rose quickly and went to the cupboard. "We'd better take a little to eat," she explained. "The night will go fast after this. I want to know if you went and made some o' your nice cupcake, while you was home to-day?" she asked, in a pleased tone; and Mrs. Crowe acknowledged such a gratifying piece of thoughtfulness for this humble friend who denied herself all luxuries. Sarah

Ann brewed a generous cup of tea, and the watchers drew their chairs up to the table presently, and quelled their hunger with good country appetites. Sister Binson put a spoon into a small, old-fashioned glass of preserved quince, and passed it to her friend. She was most familiar with the house, and played the part of hostess. "Spread some o' this on your bread and butter," she said to Mrs. Crowe. "Tempy wanted me to use some three or four times, but I never felt to. I know she'd like to have us comfortable now, and would urge us to make a good supper, poor dear."

"What excellent preserves she did make!" mourned Mrs. Crowe. "None of us has got her light hand at doin' things tasty. She made the most o' everything, too. Now, she only had that one old quince-tree down in the far corner of the piece, but she'd go out in the spring and tend to it, and look at it so pleasant, and kind of expect the old thorny thing into bloomin'."

"She was just the same with folks," said Sarah Ann. "And she'd never git more 'n a little apenful o' quinces, but she'd have every mite o' goodness out o' those, and set the glasses up onto her best-room closet shelf, so pleased. 'T wa'n't but a week ago to-morrow mornin' I fetched her a little taste o' jelly in a teaspoon; and she says 'Thank ye,' and took it, an' the minute she tasted it she looked up at me as worried as could be. 'Oh, I don't want to eat that,' says she. 'I always keep that in case o' sickness.' 'You're goin' to have the good o' one tumbler yourself,' says I. 'I'd just like to know who's sick now, if you ain't!' An' she could n't help laughin', I spoke up so smart. Oh, dear me, how I shall miss talkin' over things with her! She always sensed things, and got just the p'int you meant."

"She did n't begin to age until two or three years ago, did she?" asked Mrs. Crowe. "I never saw anybody keep her looks as Tempy did. She

looked young long after I begun to feel like an old woman. The doctor used to say 't was her young heart, and I don't know but what he was right. How she did do for other folks! There was one spell she was n't at home a day to a fortnight. She got most of her livin' so, and that made her own potatoes and things last her through. None o' the young folks could get married without her, and all the old ones was disappointed if she wa'n't round when they was down with sickness and had to go. An' cleanin', or tailorin' for boys, or rug-hookin',—there was nothin' but what she could do as handy as most. 'I do love to work,'—ain't you heard her say that twenty times a week?"

Sarah Ann Binson nodded, and began to clear away the empty plates. "We may want a taste o' somethin' more towards mornin'," she said. "There's plenty in the closet here; and in case some comes from a distance to the funeral, we'll have a little table spread after we get back to the house."

"Yes, I was busy all the mornin'. I've cooked up a sight o' things to bring over," said Mrs. Crowe. "I felt 't was the last I could do for her."

They drew their chairs near the stove again, and took up their work. Sister Binson's rocking-chair creaked as she rocked; the brook sounded louder than ever. It was more lonely when nobody spoke, and presently Mrs. Crowe returned to her thoughts of growing old.

"Yes, Tempy aged all of a sudden. I remember I asked her if she felt as well as common, one day, and she laughed at me good. There, when Dan'el begun to look old, I could n't help feeling as if somethin' ailed him, and like as not 't was somethin' he was goin' to git right over, and I dosed him for it stiddy, half of one summer."

"How many things we shall be wanting to ask Tempy!" exclaimed Sarah Ann Binson, after a long pause. "I can't make up my mind to doin' without

her. I wish folks could come back just once, and tell us how 't is where they 've gone. Seems then we could do without 'em better."

The brook hurried on, the wind blew about the house now and then; the house itself was a silent place, and the supper, the warm fire, and an absence of any new topics for conversation made the watchers drowsy. Sister Binson closed her eyes first, to rest them for a minute; and Mrs. Crowe glanced at her compassionately, with a new sympathy for the hard-worked little woman. She made up her mind to let Sarah Ann have a good rest, while she kept watch alone; but in a few minutes her own knitting was dropped, and she, too, fell asleep. Overhead, the pale shape of Tempy Dent, the outworn body of that generous, loving-hearted, simple soul, slept on also in its white raiment. Perhaps Tempy herself stood near, and saw her own life and its surroundings with new under-

standing. Perhaps she herself was the only watcher.

Later, by some hours, Sarah Ann Binson woke with a start. There was a pale light of dawn outside the small windows. Inside the kitchen, the lamp burned dim. Mrs. Crowe awoke, too.

"I think Tempy 'd be the first to say 't was just as well we both had some rest," she said, not without a guilty feeling.

Her companion went to the outer door, and opened it wide. The fresh air was none too cold, and the brook's voice was not nearly so loud as it had been in the midnight darkness. She could see the shapes of the hills, and the great shadows that lay across the lower country. The east was fast growing bright.

"'T will be a beautiful day for the funeral," she said, and turned again, with a sigh, to follow Mrs. Crowe up the stairs. The world seemed more and more empty without the kind face and helpful hands of Tempy Dent.

Sarah Orne Jewett.

CAROLO MORTUO.

TOGETHER, comrade, widely did we roam.

In Gothic aisles, at wayside shrines, and where

The slender minarets pierce the dusky air.

And Moslem kneel beneath Sofia's dome:

At vesper chant, 'mid hooded monks of Rome,

We bowed together, reverencing there

Through myriad creeds and tongues the soul of prayer:

And every land of men to us was home.

A heavier curtain now thy hands upraise;

Into a darker minster stray thy feet.

May loving eyes and clasp of welcome greet

The lover of all mortal hearts and ways,

And knowledge widen to his eager gaze

Who followed truth with tireless step and fleet.

William Cranston Lawton.

THE ASPERN PAPERS.

IN THREE PARTS. PART FIRST.

I.

I HAD taken Mrs. Prest into my confidence; in truth without her I should have made but little advance, for the fruitful idea, in the whole business, dropped from her friendly lips. It was she who invented the short cut, who severed the Gordian knot. It is not supposed to be the nature of women to rise, as a general thing, to the largest and most liberal view — I mean of a practical scheme; but it has struck me that they sometimes throw off a bold conception — such as a man would not have risen to — with singular serenity. “Simply ask them to take you in on the footing of a lodger” — I don’t think that, unaided, I should have risen to that. I was beating about the bush, trying to be ingenious, wondering by what combination of arts I might become an acquaintance, when she offered this happy suggestion that the way to become an acquaintance was first to become an inmate. Her actual knowledge of the Misses Bordereau was scarcely larger than mine, and indeed I had brought with me from England some definite facts which were new to her. Their name had been mixed up, ages before, with one of the greatest names of the century, and they lived now in Venice, in obscurity, on very small means, unvisited, unapproachable, in a dilapidated old palace on an out-of-the-way canal: this was the substance of my friend’s impression of them. She herself had been established in Venice for fifteen years, and had done a great deal of good there; but the circle of her benevolence did not include the two shy, mysterious, and, as it was somehow supposed, scarcely respectable Americans (they were believed

to have lost, in their long exile, all national quality, besides having had, as their name implied, some French strain in their origin), who asked no favors and desired no attention. In the early years of her residence she had made an attempt to see them, but this had been successful only as regards the little one, as Mrs. Prest called the niece; though in reality, as I afterwards learned, she was considerably the bigger of the two. She had heard Miss Bordereau was ill, and had a suspicion that she was in want; and she had gone to the house to offer assistance, so that if there were suffering (and American suffering), she should at least not have it on her conscience. The “little one” received her in the great, cold, tarnished Venetian *sala*, the central hall of the house, paved with marble and roofed with dim cross-beams, and did not even ask her to sit down. This was not encouraging for me, who wished to sit so fast, and I remarked as much to Mrs. Prest, who, however, replied with profundity, “Ah, but there’s all the difference: I went to confer a favor, and you will go to ask one. If they are proud, you will be on the right side.” And she offered to show me their house, to begin with — to row me thither in her gondola. I let her know that I had already been to look at it, half a dozen times; but I accepted her invitation, for it charmed me to hover about the place. I had made my way to it the day after my arrival in Venice (it had been described to me, in advance, by the friend, in England, to whom I owed definite information as to their possession of the papers), and I had revolved about it while I considered my plan of campaign. Jeffrey Aspern had never been in it that I knew of;

but some note of his voice seemed to abide there, by a roundabout implication, an attenuated reverberation.

Mrs. Prest knew nothing about the papers, but she was interested in my curiosity, as she was always interested in the joys and sorrows of her friends. As we went, however, in her gondola, gliding there, under the sociable hood, with the bright Venetian picture framed, on either side, by the movable window, I could see that she was amused by my infatuation, the way my interest in the papers had become a fixed idea. "One would think you expected to find in them the answer to the riddle of the universe," she said; and I denied the impeachment only by replying that if I had to choose between that precious solution and a bundle of Jeffrey Aspern's letters, I knew indeed which would appear to me the greater boon. She pretended to make light of his genius, and I took no pains to defend him. One does n't defend one's god: one's god is in himself a defense. Besides, to-day, after his long comparative obscurity, he hangs high in the heaven of our literature, for all the world to see; he is part of the light by which we walk. The most I said was that he was, no doubt, not a woman's poet; to which she rejoined, aptly enough, that he had been at least Miss Bordereau's. The strange thing had been for me to discover, in England, that she was still alive: it was as if I had been told Mrs. Siddons was, or Queen Caroline, or the famous Lady Hamilton, for it seemed to me that it was to that generation she belonged. "Why, she must be tremendously old—at least a hundred," I had said; but on coming to consider dates, I saw that it was not strictly necessary that she should have exceeded by very much the common span. None the less she was very far advanced in life, and her relations with Jeffrey Aspern had occurred in her early womanhood. "That is her excuse," said Mrs. Prest,

half sententiously, and yet also somewhat as if she were ashamed of making a speech so little in the real tone of Venice. As if a woman needed an excuse for having loved the divine poet! He had been not only one of the most brilliant minds of his day (and in those years, when the century was young, there were, as every one knows, many), but one of the most genial men, and one of the handsomest.

The niece, according to Mrs. Prest, was not so old, and she risked the conjecture that she was only a grand-niece. This was possible; I had nothing but my share in the very limited knowledge of my English fellow-worshiper, John Cunmor, who had never seen the couple. The world, as I say, had recognized Jeffrey Aspern, but Cunmor and I had recognized him most. The multitude, to-day, flocked to his temple, but of that temple he and I regarded ourselves as the priests. We held, justly, as I think, that we had done more for his memory than any one else, and we had done it by opening lights into his life. He had nothing to fear from us, because he had nothing to fear from the truth, which alone, at such a distance of time, we could be interested in establishing. His early death had been the only dark spot in his life, unless the papers in Miss Bordereau's hands should perversely bring out others. There had been an impression, about 1825, that he had "treated her badly," just as there had been an impression that he had "served," as the London populace says, several other women in the same way. Each of these cases Cunmor and I had been able to investigate, and we had never failed to acquit him, conscientiously, of disloyalty. I judged him, perhaps, more indulgently than my friend; certainly, at any rate, it appeared to me that no man could have behaved better in the given circumstances. These were almost always awkward. Half the women of his time, to speak liberally, had

flung themselves at his head, and out of this pernicious fashion many complications, some of them grave, had not failed to arise. He was not a woman's poet, as I had said to Mrs. Prest, in the modern phase of his reputation; but the situation had been different when the man's own voice was mingled with his song. That voice, by every testimony, was one of the sweetest ever heard. "Orpheus and the Mænads!" was the exclamation that rose to my lips when I first turned over his correspondence. Almost all the Mænads were unreasonable and many of them insupportable; it struck me, in short, that he was kinder, more considerate, than, in his place (if I could imagine myself in such a place!), I should have been.

It was certainly strange beyond all strangeness, and I shall not take up space with attempting to explain it, that whereas in all these other lines of research we had to deal with phantoms and dust, the mere echoes of echoes, the one living source of information that had lingered on into our time had been unheeded by us. Every one of Aspern's contemporaries had, according to our belief, passed away; we had not been able to look into a single pair of eyes into which his had looked, or to feel a transmitted contact in any aged hand that his had touched. Most dead of all did poor Miss Bordereau appear, and yet she alone had survived. We exhausted, in the course of months, our wonder that we had not found her out sooner, and the substance of our explanation was that she had kept so quiet. The poor lady, on the whole, had had reason for doing so. But it was a revelation to us that it was possible to keep so quiet as that, in the latter half of the nineteenth century — the age of newspapers and telegrams and photographs and interviewers. And she had taken no great trouble about it, either: she had not hidden herself away in an undiscoverable hole; she had boldly set-

tled down in a city of exhibition. The only secret of her safety that we could perceive was that Venice contained so many curiosities that were greater than she. And then accident had somehow favored her, as was shown, for example, in the fact that Mrs. Prest had never happened to mention her to me, though I had spent three weeks in Venice — under her nose, as it were — five years before. Mrs. Prest had not mentioned this much to any one; she appeared almost to have forgotten she was there. Of course she had not the responsibilities of an editor. It was no explanation of the old woman's having eluded us to say that she lived abroad, for our researches had again and again taken us (not only by correspondence, but by personal inquiry), to France, to Germany, to Italy, in which countries, not counting his important stay in England, so many of the too few years of Aspern's career were spent. We were glad to think, at least, that in all our publishings (some people consider, I believe, that we have overdone them), we had only touched, in passing and in the most discreet manner, on Miss Bordereau's connection. Oddly enough, even if we had had the material (and we often wondered what had become of it), it would have been the most difficult episode to handle.

The gondola stopped, and the old palace was there: it was a house of the class which, in Venice, carries even in extreme dilapidation the dignified name. "How charming! It's gray and pink!" my companion exclaimed; and that is the most comprehensive description of it. It was not particularly old, only two or three centuries; and it had an air not so much of decay as of quiet discouragement, as if it had rather missed its career. But its wide front, with a stone balcony from end to end of the *piano nobile*, or most important floor, was architectural enough, with the aid of various pilasters and arches; and the

stucco with which, in the intervals, it had long ago been endued was rosy in the April afternoon. It overlooked a clean, melancholy, unfrequented canal, which had a narrow *riva*, or convenient footway, on either side. "I don't know why — there are no brick gables," said Mrs. Prest. "but this corner has seemed to me before more Dutch than Italian, more like Amsterdam than like Venice. It's perversely clean, for reasons of its own: and though you can pass on foot, scarcely any one ever thinks of doing so. It has the air of a Protestant Sunday. Perhaps the people are afraid of the Misses Bordereau. I dare say they have the reputation of witches." I forget what answer I made to this — I was given up to two other reflections. The first of these was, that if the old lady lived in such a big, imposing house she could n't be in any sort of misery, and therefore would n't be tempted by a chance to let a couple of rooms. I expressed this idea to Mrs. Prest, who gave me a very logical reply. "If she did n't live in a big house, how could it be a question of her having rooms to spare? If she were not amply lodged herself, you would lack ground to approach her. Besides, a big house here, and especially in this *quartier perdu*, proves nothing at all; it is perfectly compatible with a state of penury. Dilapidated old palazzi, if you will go out of the way for them, are to be had for five shillings a year. And as for the people who live in them — no, until you have explored Venice socially as much as I have, you can form no idea of their domestic desolation. They live on nothing, for they have nothing to live on." The other idea that had come into my head was connected with a high, blank wall which appeared to confine an expanse of ground on one side of the house. Blank I call it, but it was figured over with the patches that please a painter, repaired breaches, crumbings of plaster, extrusions of brick that had

turned pink with time; and a few thin trees, with the poles of certain rickety trellises, were visible over the top. The place was a garden, and apparently it belonged to the house. It suddenly occurred to me that if it did belong to the house I had my pretext.

I sat looking out on all this, with Mrs. Prest (it was covered with the golden glow of Venice), from the shade of our *felze*, and she asked me if I would go in then, while she waited for me, or come back another time. At first I could n't decide — it was doubtless very weak of me. I wanted still to think I *might* get a footing, and I was afraid to meet failure, for it would leave me, as I remarked to my companion, without another arrow for my bow. "Why not another?" she inquired, as I sat there hesitating and thinking it over; and she wished to know why, even now, and before taking the trouble of becoming an inmate (which might be wretchedly uncomfortable, after all, even if it succeeded), I had n't the resource of simply offering them a sum of money down. In that way I might obtain the documents without bad nights.

"Dearest lady," I exclaimed, "excuse the impatience of my tone when I suggest that you must have forgotten the very fact (surely I communicated it to you) which pushed me to throw myself upon your ingenuity. The old woman won't have the documents spoken of; they are personal, delicate, intimate, and she has n't modern notions. God bless her! If I should sound that note first I should certainly spoil the game. I can arrive at the papers only by putting her off her guard, and I can put her off her guard only by ingratiating diplomatic practices. Hypocrisy, duplicity, are my only chance. I am sorry for it, but for Jeffrey Aspern's sake I would do worse still. First I must take tea with her; then tackle the main job." And I told over what had happened to John Cunmor, when he wrote to her. No

notice whatever had been taken of his first letter, and the second had been answered very sharply, in six lines, by the niece: "Miss Bordereau requested her to say that she could n't imagine what he meant by troubling them. They had none of Mr. Aspern's papers and, if they had, should never think of showing them to any one, on any account whatever. She did n't know what he was talking about and begged he would let her alone." I certainly did n't want to be met that way.

"Well," said Mrs. Prest, after a moment, provokingly, "perhaps, after all, they have n't any of his things. If they deny it flat, how are you sure?"

"John Cumnor is sure, and it would take me long to tell you how his conviction, or his very strong presumption — strong enough to stand against the old lady's not unnatural fib — has built itself up. Besides, he makes much of the internal evidence of the niece's letter."

"The internal evidence?"

"Her calling him 'Mr. Aspern.'"

"I don't see what that proves."

"It proves familiarity, and familiarity implies the possession of mementoes, of relics. I can't tell you how that 'Mr.' touches me — how it bridges over the gulf of time, and brings our hero near to me — nor what an edge it gives to my desire to see Juliana. You don't say 'Mr.' Shakespeare."

"Would I, any more, if I had a box full of his letters?"

"Yes, if he had been your lover, and some one wanted them!" And I added that John Cumnor was so convinced, and so all the more convinced by Miss Bordereau's tone, that he would have come himself to Venice on the business, were it not that for him there was the obstacle that it would be difficult to disprove his identity with the person who had written to them, which the old ladies would be sure to suspect, in spite of dissimulation and a change of name. If

they were to ask him point-blank if he were not their correspondent, it would be too awkward for him to lie; whereas I was fortunately not tied in that way. I was a fresh hand, and could say no without lying.

"But you will have to change your name," said Mrs. Prest. "Juliana lives out of the world as much as it is possible to live, but none the less she has probably heard of Mr. Aspern's editors; she perhaps possesses what you have published."

"I have thought of that," I returned; and I drew out of my pocket-book a visiting-card, neatly engraved with a name that was not my own.

"You are very extravagant; you might have written it," said my companion.

"This looks more genuine."

"Certainly, you are prepared to go far! But it will be awkward about your letters; they won't come to you in that mask."

"My banker will take them in, and I will go every day to fetch them. It will give me a little walk."

"Shall you only depend upon that?" asked Mrs. Prest. "Are n't you coming to see me?"

"Oh, you will have left Venice, for the hot months, long before there are any results. I am prepared to roast all summer — as well as hereafter, perhaps you'll say! Meanwhile, John Cumnor will bombard me with letters addressed, in my feigned name, to the care of the *padrona*."

"She will recognize his hand," my companion suggested.

"On the envelope he can disguise it."

"Well, you're a precious pair! Does n't it occur to you that even if you are able to say you are not Mr. Cumnor in person, they may still suspect you of being his emissary?"

"Certainly, and I see only one way to parry that."

"And what may that be?"

I hesitated a moment. "To make love to the niece."

"Ah," cried Mrs. Prest, "wait till you see her!"

II.

"I must work the garden—I must work the garden," I said to myself, five minutes later, as I waited, up-stairs, in the long dusky sala, where the bare seagliola floor gleamed, vaguely, in a chink of the closed shutters. The place was impressive, but it looked cold and cautious. Mrs. Prest had floated away, giving me a rendezvous, at the end of half an hour, at some neighboring water-steps; and I had been let into the house, after pulling the rusty bell-wire, by a little red-headed, white-faced maid-servant, who was very young and not ugly, and wore clicking pattens and a shawl in the fashion of a hood. She had not contented herself with opening the door from above, by the usual arrangement of a creaking pulley, though she had looked down at me first from an upper window, dropping the inevitable challenge which, in Italy, precedes the hospitable act. As a general thing I was irritated by this survival of mediæval manners, though as I liked the old I suppose I ought to have liked it; but I was so determined to be genial that I took my false card out of my pocket and held it up to her, smiling, as if it were a magic token. It had the effect of one, indeed, for it brought her, as I say, all the way down. I begged her to hand it to her mistress, having first written on it, in Italian, the words, "Could you very kindly see a gentleman, an American, for a moment?" The little maid was not hostile, and I reflected that even that was perhaps something gained. She colored, she smiled, and looked both frightened and pleased. I could see that my arrival was an event, that visits were rare in that house and

that she was a person who would have liked a sociable place. When she pushed forward the heavy door behind me, I felt that I had a foot in the citadel. She pattered across the damp, stony lower hall, and I followed her up the high staircase—stonier still, as it seemed—without an invitation. I think she had meant I should wait for her below, but such was not my idea, and I took up my station in the sala. She flitted, at the far end of it, into impenetrable regions, and I looked at the place in a sort of suspense. It was gloomy and stately, but it owed its character almost entirely to its noble shape and to the fine architectural doors—as high as the doors of houses—which, leading into the various rooms, repeated themselves, on either side, at intervals. They were surmounted with old faded, painted escutcheons, and here and there, in the spaces between them, brown pictures, which I perceived to be bad, in battered frames, were suspended. With the exception of several straw-bottomed chairs, with their backs to the wall, the grand, obscure vista contained nothing else to minister to effect. It was evidently never used, save as a passage, and little, even, as that. I may add that by the time the door opened again, through which the maid-servant had escaped, my eyes had grown used to the want of light.

I had not meant, by my private ejaculation, that I must myself cultivate the soil of the tangled enclosure which lay beneath the windows, but the lady who came toward me from the distance, over the hard, shining floor, might have supposed as much from the way in which, as I went rapidly to meet her, I exclaimed, taking care to speak Italian, "The garden, the garden—do me the pleasure to tell me if it's yours!"

She stopped short, looking at me with wonder; and then, "Nothing here is mine," she answered, in English, coldly and sadly.

"Oh, you are English; how delight-

ful!" I remarked, ingenuously. "But surely the garden belongs to the house?"

"Yes, but the house does n't belong to me." She was a long, lean, pale person, habited apparently in a dull-colored dressing-gown, and she spoke with a kind of mild literalness. She did n't ask me to sit down, any more than years before (if she were the niece), she had asked Mrs. Prest, and we stood face to face in the empty, pompous hall.

"Well, then, would you kindly tell me to whom I must address myself? I'm afraid you'll think me odiously intrusive, but, you know, I *must* have a garden — upon my honor I must!"

Her face was not young, but it was simple; it was not fresh, but it was mild. She had large eyes, which were not bright, and a great deal of hair, which was not "dressed," and long fine hands, which were — possibly — not clean. She clasped these members almost convulsively as, with a confused, alarmed look, she broke out, "Oh, don't take it away from us; we like it ourselves!"

"You have the use of it, then?" I asked.

"Oh, yes. If it was n't for that!" And she gave a shy, melancholy smile.

"Is n't it a luxury, precisely? That's why, intending to be in Venice some weeks, possibly all summer, and having some literary work, some reading and writing, to do, so that I must be quiet, and yet, if possible, a great deal in the open air — that's why I have felt that a garden is really indispensable. I appeal to your own experience," I went on, smiling. "Now can't I look at yours?"

"I don't know, I don't understand," the poor woman murmured, planted there and letting her embarrassed eyes wander all over my strangeness.

"I mean only from one of those windows — such grand ones as you have here — if you will let me open the shutters." And I walked, myself, toward

the back of the house. When I had advanced half-way I stopped and waited, as if I took it for granted she would accompany me. I had been of necessity very abrupt, but I strove at the same time to give her the impression of extreme courtesy. "I have been looking at furnished rooms all over the place, and it seems impossible to find any with a garden attached. Naturally, in a place like Venice gardens are rare. It's absurd, if you like, for a man, but I can't live without flowers."

"There are none to speak of down there." She came nearer to me, as if, though she mistrusted me, I had drawn her by an invisible thread. I went on again, and she continued, as she followed me: "We have a few, but they are very common. It costs too much to cultivate them; one has to have a man."

"Why should n't I be the man?" I asked. "I'll work without wages; or rather, I'll put in a gardener. You shall have the sweetest flowers in Venice."

She protested at this, with a queer little sigh, which might also have been a gush of rapture at the picture I presented. Then she observed, "We don't know you — we don't know you."

"You know me as much as I know you; that is, much more, because you know my name. And if you are English I am almost a countryman."

"We are not English," said my companion, watching me helplessly while I threw open the shutters of one of the divisions of the wide, high window.

"You speak the language so beautifully; might I ask what you are?" Seen from above, the garden was certainly shabby; but I perceived at a glance that it had great capabilities. She made no rejoinder, she was so lost in staring at me, and I exclaimed, "You don't mean to say you are also, by chance, American?"

"I don't know; we used to be."

"Used to be? Surely you have n't changed?"

"It's so many years ago — we are nothing."

"So many years that you have been living here? Well, I don't wonder at that; it's a grand old house. I suppose you all use the garden," I went on, "but I assure you I should n't be in your way. I would be very quiet, and stay in one corner."

"We all use it?" she repeated after me, vaguely, not coming close to the window, and looking at my shoes. She appeared to think me capable of throwing her out.

"I mean all your family, as many as you are."

"There is only one other: she is very old — she never goes down."

"Only one other, in all this great house!" I feigned to be not only amazed, but almost scandalized. "Dear lady, you must have space, then, to spare!"

"To spare?" she repeated, in the same dazed way.

"Why, you surely don't live (two quiet women — I see *you* are quiet, at any rate), in fifty rooms!" Then, with a burst of hope and cheer, I demanded, "Could n't you let me two or three? That would set me up!"

I had now struck the note that translated my purpose, and I need n't reproduce the whole of the tune I played on this occasion. I ended by making my interlocutress believe that I was an honorable person, though of course I did n't even attempt to persuade her that I was not an eccentric one. I repeated that I had studies to pursue; that I wanted quiet; that I delighted in a garden, and had vainly sought one up and down the city; that I would undertake that before another month was over the dear old house should be smothered in flowers. I think it was the flowers that won my suit, and I afterwards found that Miss Tita (for such the name of this high, tremulous spinster proved, somewhat incongruously, to be), had an insatiable

appetite for them. When I speak of my suit as won, I mean that before I left her she had promised that she would refer the question to her aunt. I inquired who her aunt might be, and she answered, "Why, Miss Bordereau!" with an air of surprise, as if I might have been expected to know. There were contradictions like this in Tita Bordereau, which, as I observed later, contributed to make her an odd and affecting person. It was the study of the two ladies to live so that the world should n't touch them, and yet they had never altogether accepted the idea that it did n't hear of them. In Tita, at any rate, a grateful susceptibility to human contact had not died out, and contact, of a limited order, there would be, if I should come to live in the house.

"We have never done anything of the sort; we have never had a lodger, or any kind of inmate." So much as this she made a point of saying to me. "We are very poor, we live very badly. The rooms are bare — that you might take; they have nothing in them. I don't know how you would sleep, how you would eat."

"With your permission, I could easily put in a bed, and a few tables and chairs. *C'est la moindre des choses*, and the affair of an hour or two. I know a little man from whom I can hire what I should want for a few months, for a trifle, and my gondolier can bring the things round in his boat. Of course, in this great house, you must have a second kitchen, and my servant, who is a wonderfully handy fellow" (this personage was an evocation of the moment), "can easily cook me a chop there. My tastes and habits are of the simplest; I live on flowers!" And then I ventured to add that if they were very poor, it was all the more reason they should let their rooms. They were bad economists. I had never heard of such a waste of material.

I saw in a moment that the good

lady had never before been spoken to in that way, with a kind of humorous firmness which did n't exclude sympathy, but was, on the contrary, founded on it. She might easily have told me that my sympathy was impertinent, but this, by good fortune, did n't occur to her. I left her with the understanding that she would consider the matter with her aunt, and that I might come back the next day for their decision.

"The aunt will refuse; she will think the whole proceeding very *louche*!" Mrs. Prest declared, shortly after this, when I had resumed my place in her gondola. She had put the idea into my head, and now (so little are women to be counted on), she appeared to take a despondent view of it. Her pessimism provoked me, and I pretended to have the best hopes; I went so far as to say that I had a distinct presentiment that I should succeed. Upon this Mrs. Prest broke out, "Oh, I see what's in your head! You fancy you have made such an impression, in a quarter of an hour, that she is dying for you to come, and can be depended upon to bring the old one round. If you do get in, you'll count it as a triumph."

I did count it as a triumph, but only for the editor (in the last analysis), not for the man, who had not the tradition of personal conquest. When I went back on the morrow, the little maid-servant conducted me straight through the long sala (it opened there, as before, in perfect perspective, and was lighter now, which I thought a good omen) into the apartment from which the recipient of my former visit had emerged on that occasion. It was a large, shabby parlor, with a fine old painted ceiling, and a strange figure sitting alone at one of the windows. They come back to me now almost with the palpitation they caused, the successive feelings that accompanied my consciousness that, as the door of the room closed behind me, I was really face to face with the Juliana of some of

Aspern's most exquisite lyrics. I grew used to her afterwards, though never completely; but as she sat there before me my heart beat as fast as if the miracle of resurrection had taken place for my benefit. Her presence seemed somehow to contain his, and I felt nearer to him at that first moment of seeing her than I ever had been before, or ever have been since. Yes, I remember my emotions in their order, even including a curious little tremor that took me when I saw that the niece was not there. With her, the day before, I had become sufficiently familiar, but it almost exceeded my courage (much as I had longed for the event), to be left alone with such a terrible relic as the aunt. She was too strange, too literally resurgent. Then came a check, with the perception that we were not really face to face, inasmuch as she had over her eyes a horrible green shade, which, for her, served almost as a mask. I believed, for the instant, that she had put it on expressly, so that from underneath it she might scrutinize me without being scrutinized herself. At the same time it increased the presumption that there was a ghastly death's-head lurking behind it. The divine Juliana as a grinning skull — the vision hung there until it passed. Then it came to me that she *was* tremendously old — so old that death might take her at any moment, before I had time to get what I wanted from her. The next thought was a correction to that; it lighted up the situation. She would die next week, she would die to-morrow, and then I could seize her papers. Meanwhile, she sat there, neither moving nor speaking. She was very small and shrunk, bent forward, with her hands in her lap. She was dressed in black, and her head was wrapped in a piece of old black lace, which showed no hair.

My emotion keeping me silent, she spoke first, and the remark she made was exactly the most unexpected.

III.

"Our house is very far from the centre, but the little canal is very *comme il faut*!"

"It's the sweetest corner of Venice, and I can imagine nothing more charming," I hastened to reply. The old lady's voice was very thin and weak, but it had an agreeable, cultivated murmur, and there was wonder in the thought that that individual note had been in Jeffrey Aspern's ear.

"Please to sit down there. I hear very well," she said, quietly, as if perhaps I had been shouting at her; and the chair she pointed to was at a certain distance. I took possession of it, telling her that I was perfectly aware that I had intruded, that I had not been properly introduced, and could only throw myself upon her indulgence. Perhaps the other lady, the one I had had the honor of seeing the day before, would have explained to her about the garden. That was literally what had given me courage to take a step so unconventional. I had fallen in love at sight with the whole place (she herself, probably, was so used to it that she did not know the impression it was capable of making on a stranger), and I had felt it was really a case to risk something. Was her own kindness in receiving me a sign that I was not wholly out of my calculation? It would render me extremely happy to think so. I could give her my word of honor that I was a most respectable, inoffensive person, and that as an inmate they would be barely conscious of my existence. I would conform to any regulations, any restrictions, if they would only let me enjoy the garden. Moreover, I should be delighted to give her references, guarantees; they would be of the very best, both in Venice and in England, as well as in America.

She listened to me in perfect stillness, and I felt that she was looking at me

with great attention, though I could see only the lower part of her shriveled white face. Independently of the refining process of old age, it had a delicacy which once must have been great. She had been very fair; she had had a wonderful complexion. She was silent a little after I had ceased speaking; then she remarked, "If you are so fond of a garden, why don't you go to *terra firma*, where there are so many far better than this?"

"Oh, it's the combination!" I answered, smiling; and then, with rather a flight of fancy, "It's the idea of a garden in the middle of the sea."

"It's not in the middle of the sea; you can't see the water."

I stared a moment, wondering whether she wished to convict me of fraud. "Can't see the water? Why, dear madam, I can come up to the very gate in my boat."

She appeared inconsequent, for she said, vaguely, in reply to this, "Yes, if you have got a boat. I have not any; it's many years since I have been in one of the gondolas." She uttered these words as if the gondolas were a curious, far-away craft, which she knew of only by hearsay.

"Let me assure you of the pleasure with which I would put mine at your service!" I exclaimed. I had scarcely said this, however, before I became conscious that the speech was in questionable taste, and might also do me the injury of making me appear too eager, too possessed of a hidden motive. But the old woman remained inscrutable, and her attitude bothered me by suggesting that she had a fuller vision of me than I had of her. She gave me no thanks for my somewhat extravagant offer, but remarked that the lady I had seen the day before was her niece; she would presently come in. She had asked her to stay away a little on purpose, because she herself wished to see me at first alone. She relapsed into silence, and I

asked myself why she had judged this necessary, and what was coming yet; also whether I might venture on some judicious remark in praise of her companion. I went so far as to say that I should be delighted to see her again: she had been so very courteous to me, considering how odd she must have thought me — a declaration which drew from Miss Bordereau another of her incongruities.

"She has very good manners; I bred her up myself!" I was on the point of saying that that accounted for the easy grace of the niece; but I arrested myself in time, and the next moment the old woman went on: "I don't care who you may be — I don't want to know; it signifies very little to-day." This had all the air of being a formula of dismissal, as if her next words would be that I might take myself off, now that she had had the amusement of looking on the face of such a monster of indiscretion. Therefore I was all the more surprised when she added, with her soft, venerable quaver, "You may have as many rooms as you like, if you will pay a good deal of money."

I hesitated but for a single instant, long enough to ask myself what she meant, in particular, by this condition. First it struck me that she must have really a large sum in her mind; then I reasoned, quickly, that her idea of a large sum would probably not correspond to my own. My deliberation, I think, was not so visible as to diminish the promptitude with which I replied, "I will pay with pleasure, and of course in advance, whatever you may think it proper to ask me."

"Well, then, a thousand francs a month," she rejoined, instantly, while her baffling green shade continued to cover her attitude.

The figure, as they say, was startling, and my logic had been at fault. The sum she had mentioned was, by the Venetian measure of such matters, exceed-

ingly large; there was many an old palace, in an out-of-the-way corner, that I might, on such terms, have enjoyed by the year. But so far as my small means allowed I was prepared to spend money, and my decision was quickly taken. I would pay her, with a smiling face, what she asked, but in that case I would give myself the compensation of extracting the papers from her for nothing. Moreover, if she had asked five times as much, I should have risen to the occasion; so odious would it have appeared to me to stand chaffering with Aspern's Juliana. It was queer enough to have a question of money with her at all. I assured her that her views perfectly met my own, and that on the morrow I should have the pleasure of putting three months' rent into her hand. She received this announcement with serenity, and with no apparent sense that, after all, it would be becoming of her to say that I ought to see the rooms first. This did not occur to her, and indeed her serenity was mainly what I wanted. Our little bargain was just concluded when the door opened and the younger lady appeared on the threshold. As soon as Miss Bordereau saw her niece she cried out, almost gayly, "He will give three thousand — three thousand to-morrow!"

Miss Tita stood still, with her patient eyes turning from one of us to the other; then she inquired, scarcely above her breath, "Do you mean francs?"

"Did you mean francs or dollars?" the old woman asked of me, at this.

"I think francs were what you said," I answered, smiling.

"That is very good," said Miss Tita, as if she had become conscious that her own question might have looked over-reaching.

"What do *you* know? You are ignorant," Miss Bordereau remarked; not with acerbity, but with a strange, soft coldness.

"Yes, of money — certainly of

money!" Miss Tita hastened to exclaim.

"I am sure you have your own branches of knowledge," I took the liberty of saying, genially. There was something painful to me, somehow, in the turn the conversation had taken, in the discussion of the rent.

"She had a very good education when she was young. I looked into that myself," said Miss Bordereau. Then she added, "But she has learned nothing since."

"I have always been with you," Miss Tita rejoined, very mildly, and evidently with no intention of making an epigram.

"Yes, but for that!" her aunt declared, with more satirical force. She evidently meant that but for this her niece would never have got on at all, the point of the observation, however, being lost on Miss Tita, though she blushed at hearing her history revealed to a stranger. Miss Bordereau went on, addressing herself to me: "And what time will you come, to-morrow, with the money?"

"The sooner the better. If it suits you, I will come at noon."

"I am always here, but I have my hours," said the old woman, as if her convenience were not to be taken for granted.

"You mean the times when you receive?"

"I never receive. But I will see you at noon, when you come with the money."

"Very good, I shall be punctual;" and I added, "May I shake hands with you, on our contract?" I thought there ought to be some little form; it would make me really feel easier, and I foresaw that there would be no other. Besides, though Miss Bordereau could not to-day be called personally attractive, and there was something even in her wasted antiquity that bade one stand at one's distance, I felt an irresistible de-

sire to hold in my own for a moment the hand that Jeffrey Aspern had pressed.

For a minute she made no answer, and I saw that my proposal failed to meet with her approbation. She indulged in no movement of withdrawal, which I half expected; she only said, coldly, "I belong to a time when that was not the custom."

I felt rather snubbed, but I exclaimed, good-humoredly, to Miss Tita, "Oh, you will do as well!" and shook hands with her, while she replied, with a small flutter, "Yes, yes, to show it's all arranged!"

"Shall you bring the money in gold?" Miss Bordereau demanded, as I was turning to the door.

I looked at her a moment. "Are n't you a little afraid, after all, of keeping such a sum as that in the house?" It was not that I was annoyed at her avidity, but I was really struck with the disparity between such a treasure and such scanty means of guarding it.

"Whom should I be afraid of, if I am not afraid of you?" she asked with a sort of shrunken grimace.

"Ah, well," said I, laughing, "I shall be, in point of fact, a protector, and I will bring gold, if you prefer."

"Thank you," the old woman returned, with dignity, and with an inclination of her head which evidently signified that I might depart. I passed out of the room, reflecting that it would n't be easy to circumvent her. As I stood in the sala again I saw that Miss Tita had followed me, and I supposed that, as her aunt had neglected to suggest that I should take a look at my quarters, it was her purpose to repair the omission. But she made no such suggestion; she only stood there, with a dim, though not a languid, smile, and with an effect of irresponsible, incompetent youth which was almost comically at variance with the faded facts of her person. She was not infirm, like her aunt, but she struck me as still more helpless, because

her inefficiency was spiritual, which was not the case with Miss Bordereau's. I waited to see if she would n't offer to show me the rest of the house, but I did n't precipitate the question, inasmuch as my plan was, from this moment, to spend as much of my time as possible in her society. I only observed, at the end of a minute —

"I have had better fortune than I hoped. It was very kind of her to see me. Perhaps you said a good word for me."

"It was the idea of the money," said Miss Tita.

"And did you suggest that?"

"I told her that you would perhaps give a good deal."

"What made you think that?"

"I told her I thought you were rich."

"And what put that idea into your head?"

"I don't know; the way you talked."

"Dear me, I must talk differently now," I declared. "I'm sorry to say it's not the case."

"Well," said Miss Tita, "I think that in Venice the *forestieri*, in general, often give a great deal for something that after all is n't much." She appeared to make this remark with a comforting intention, to wish to remind me that if I had been extravagant, I was not, really, foolishly singular. We walked together along the sala, and, as I took its magnificent measure, I said to her that I was afraid it would n't form a part of my *quartiere*. Were my rooms, by chance, to be among those that opened into it? "Not if you go above, on the second floor," she answered, with a little startled air, as if she had rather taken for granted I would know my proper place.

"And I infer that that's where your aunt would like me to be."

"She said your apartments ought to be very distinct."

"That certainly would be best." And I listened with respect while she told me that up above I was free to take what-

ever I liked; that there was another staircase, but only from the floor on which we stood, and that to pass from it to the garden-story, or to come up to my lodging, I should have, in effect, to cross the great hall. This was an immense point gained; I foresaw that it would constitute my whole leverage in my relations with the two ladies. When I asked Miss Tita how I was to manage, at present, to find my way up, she replied with an access of that sociable shyness which constantly marked her manner —

"Perhaps you can't. I don't see — unless I should go with you." She evidently had n't thought of this before.

We ascended to the upper floor and visited a long succession of empty rooms. The best of them looked over the garden; some of the others had a view of the blue lagoon, above the opposite rough-tiled housetops. They were all dusty, and even a little disfigured, with long neglect, but I saw that by spending a few hundred francs I should be able to convert three or four of them into a convenient habitation. My experiment was turning out costly; yet now that I had all but taken possession I ceased to allow this to trouble me. I mentioned to my companion a few of the things that I should put in, but she replied, rather more precipitately than usual, that I might do exactly what I liked; she seemed to wish to notify me that the Misses Bordereau would take no overt interest in my proceedings. I guessed that her aunt had instructed her to adopt this tone; and I may as well say now that I came afterwards to distinguish perfectly (as I believed) between the speeches she made on her own responsibility and those the old lady imposed upon her. She took no notice of the unswept condition of the rooms, and indulged in no explanations nor apologies. I said to myself that this was a sign that Juliana and her niece (disenchanted idea!) were untidy persons,

with a low Italian standard ; but I afterwards recognized that a lodger who had forced an entrance had no authority as a critic. We looked out of a good many windows, for there was nothing within the rooms to look at, and still I wanted to linger. I asked her what several different objects, in the prospect, might be ; but in no case did she appear to know. She was evidently not familiar with the view — it was as if she had not looked at it for years — and I presently saw that she was too preoccupied with something else to pretend to care for it. Suddenly she said — the remark was not suggested —

“ I don’t know whether it will make any difference to you, but the money is for me.”

“ The money ? ”

“ The money you are going to bring.”

“ Why, you’ll make me wish to stay here two or three years.” I spoke as benevolently as possible, though it had begun to act on my nerves that, with these women so associated with Aspern, the pecuniary question should constantly come back.

“ That would be very good for me,” she replied, smiling.

“ You put me on my honor ! ”

She looked as if she did n’t understand this, but went on : “ She wants me to have more. She thinks she is going to die.”

“ Ah, not soon, I hope ! ” I exclaimed, with genuine feeling. I had perfectly considered the possibility that she would destroy her papers on the day she should feel her end really approach. I believed that she would cling to them till then, and I think I had an idea that she read Aspern’s letters over every night, or at least pressed them to her withered lips. I would have given a good deal to have a glimpse of the latter spectacle. I asked Miss Tita if the old lady were seriously ill, and she replied that she was only very tired — she had lived so long. That was what she said herself —

she wanted to die, for a change. Besides, all her friends were dead, long ago ; either they ought to have remained, or she ought to have gone. That was another thing her aunt often said — she was n’t at all content.

“ But people don’t die when they like, do they ? ” Miss Tita inquired. I took the liberty of asking why, if there was actually enough money to maintain both of them, there would not be more than enough in case of her being left alone. She considered this difficult problem a moment, and then she said, “ Oh, well, you know, she takes care of me. She thinks that when I’m alone I shall be a great fool, I sha’n’t know how to manage.”

“ I should have supposed rather that you took care of her. I’m afraid she is very proud.”

“ Why, have you discovered that already ? ” Miss Tita cried, with something like an illumination in her face.

“ I was shut up with her there for a considerable time, and she struck me, she interested me, extremely. It did n’t take me long to make my discovery. She won’t have much to say to me while I’m here.”

“ No, I don’t think she will,” my companion averred.

“ Do you suppose she has some suspicion of me ? ”

Miss Tita’s honest eyes gave me no sign that I had touched a mark. “ I should n’t think so — letting you in, after all, so easily.”

“ Oh, so easily ! she has covered her risk. But where is it that one could take an advantage of her ? ”

“ I ought n’t to tell you if I knew, ought I ? ” And Miss Tita added, before I had time to reply to this, smiling dolefully, “ Do you think we have any weak points ? ”

“ That’s exactly what I’m asking. You would only have to mention them for me to respect them religiously.”

She looked at me, at this, with that

air of timid but candid and even gratified curiosity with which she had confronted me from the first; and then she said, "There is nothing to tell. We are terribly quiet. I don't know how the days pass. We have no life."

"I wish I might think that I should bring you a little."

"Oh, we know what we want," she went on. "It's all right."

There were various things I wanted to ask her: how in the world they did live; whether they had any friends or visitors, any relations in America or in other countries. But I judged such an inquiry would be premature; I must leave it to a later chance. "Well, don't you be proud," I contented myself with saying. "Don't hide from me altogether."

"Oh, I must stay with my aunt," she returned, without looking at me. And at the same moment, abruptly, without any ceremony of parting, she quitted me and disappeared, leaving me to make my own way down-stairs. I remained a while longer, wandering about the bright desert (the sun was pouring in) of the old house, thinking the situation over on the spot. Not even the pattering little *serva* came to look after me, and I reflected that, after all, this sort of treatment showed confidence.

IV.

Perhaps it did, but all the same, six weeks later, towards the middle of June, the moment when Mrs. Prest undertook her annual migration, I had made no measurable advance. I was obliged to confess to her that I had no results to speak of. My first step had been unexpectedly rapid, but there was no appearance that it would be followed by a second. I was a thousand miles from taking tea with my hostesses — that privilege of which, as I reminded Mrs. Prest, we had both had a vision. She

reproached me with wanting boldness, and I answered that even to be bold you must have an opportunity: you may push on through a breach, but you can't batter down a dead wall. She answered that the breach I had already made was big enough to admit an army, and accused me of wasting precious hours in whimpering in her salon, when I ought to have been carrying on the struggle in the field. It is true that I went to see her very often, on the theory that it would console me (I freely expressed my discouragement) for my want of success on my own premises. But I began to perceive that it did n't console me to be perpetually chaffed for my scruples, especially when I was really so vigilant; and I was rather glad when my incisive friend closed her house for the summer. She had expected to have amusement from the drama of my relations with the Misses Bordereau, and she was disappointed that the relations, and consequently the drama, had n't come off. "They'll lead you on to your ruin," she said, before she left Venice. "They'll get all your money without showing you a scrap." I think I settled down to my business with more concentration after she had gone away.

It was a fact that up to that time I had not, save on a single brief occasion, had even a moment's contact with the Misses Bordereau. The exception had occurred when I carried them, according to my promise, the terrible three thousand francs. Then I found Miss Tita waiting for me in the hall, and she took the money from my hand, so that I did n't see her aunt. The old lady had promised to receive me, but she thought nothing, apparently, of breaking that vow. The money was contained in a bag of chamois leather, of respectable dimensions, which my banker had given me, and Miss Tita had to make a big fist to receive it. This she did with extreme solemnity, though I tried to treat the affair a little as a joke. It was in

no jocular strain, yet it was with simplicity, that she inquired, weighing the money in her two palms, "Don't you think it's too much?" To which I replied that that would depend upon the amount of pleasure I should get for it. Hereupon she turned away from me quickly, as she had done the day before, and murmured, in a tone different from any she had used hitherto, "Oh, pleasure, pleasure — there's no pleasure in this house!"

After this, for a long time, I never saw her, and I wondered that the common chances of the day should not have helped us to meet. It could only be evident that she was immensely on her guard against them; and in addition to this, the house was so big that, for each other, we were lost in it. I used to look out for her hopefully, as I crossed the sala, in my comings and goings, but I was not rewarded with a glimpse of the tail of her dress. It was as if she never peeped out of her aunt's apartment. I used to wonder what she did there, week after week and year after year. I had never encountered such a violent *partipris* of seclusion: it was more than keeping quiet — it was like holding their breath. The two ladies appeared to have no visitors whatever, and no sort of contact with the world. I judged, at least, that people could not have come to the house, and that Miss Tita could not have gone out, without my having some observation of it. I did what I disliked myself for doing (reflecting that it was only once in a way): I questioned my servant about their habits, and let him divine that I should be interested in any information he could pick up. But he picked up amazingly little, for a knowing Venetian: it must be added that where there is a perpetual fast there are very few crumbs. His cleverness in other ways was sufficient, if it was not quite all that I had attributed to him on the occasion of my first interview with Miss Tita. He had helped my gondo-

lier to bring me round a boatload of furniture; and when these articles had been carried to the top of the palace, and distributed according to our associated wisdom, he organized my household with such promptitude as was consistent with the fact that it was composed exclusively of himself. He made me, in short, as comfortable as I could be, with my indifferent prospects. I should have been glad if he had fallen in love with Miss Bordereau's maid, or, failing this, had taken her in aversion; either event might have brought about some kind of catastrophe, and a catastrophe might have led to some parley. It was my idea that she would have been sociable, and I myself, on various occasions, saw her flit to and fro on domestic errands, so that I was sure she was accessible. But I tasted of no gossip from that fountain, and I afterwards learned that Pasquale's affections were fixed upon an object that made him heedless of other women. This was a young lady with a powdered face, a yellow cotton gown, and much leisure, who used often to come to see him. She practiced, at her convenience, the art of a stringer of beads (these ornaments are made in Venice, in profusion; she had her pocket full of them, and I used to find them on the floor of my apartment), and kept an eye on the maiden in the house. It was not for me, of course, to make the domestics tattle, and I never said a word to Miss Bordereau's cook.

It seemed to me a proof of the old lady's determination to have nothing to do with me that she should never have sent me a receipt for my three months' rent. For some days I looked out for it, and then, when I had given it up, I wasted a good deal of time in wondering what her reason had been for neglecting so indispensable and familiar a form. At first I was tempted to send her a reminder, and then I relinquished the idea (against my judgment as to what was right in the particular case),

on the general ground of wishing to keep quiet. If Miss Bordereau suspected me of ulterior aims, she would suspect me less if I should be business-like, and yet I consented not to be so. It was possible she intended her omission as an impertinence, a visible irony; to show how she could overreach people who attempted to overreach her. On that hypothesis, it was well to let her see that one did n't notice her little tricks. The real reading of the matter, I afterwards perceived, was simply the poor old woman's desire to emphasize the fact that I was in the enjoyment of a favor as rigidly limited as it had been unmistakably bestowed. She had given me part of her house, and now she would n't give me even a morsel of paper with her name on it. Let me say that even at first this did n't make me too miserable, for the whole episode was essentially delightful to me. I foresaw that I should have a summer after my own literary heart, and the sense of holding my opportunity was much greater than the sense of losing it. There could be no Venetian business without patience, and since I adored the place I was much more in the spirit of it for having laid in a large provision. That spirit kept me perpetual company, and seemed to look out at me from the revived, immortal face — in which all his genius shone — of the great poet who was my prompter. I had invoked him, and he had come; he hovered before me half the time; it was as if his bright ghost had returned to earth, to tell me that he regarded the affair as his own no less than mine, and that we should see it, fraternally, cheerfully, to a conclusion. It was as if he had said, "Poor dear, be easy with her; she has some natural prejudices; only give her time. Strange as it may appear to you, she was very attractive in 1820. Meanwhile, are n't we in Venice together, and what better place is there for the meeting of dear friends? See how it

glows with the advancing summer; how the sky, and the sea, and the rosy air, and the marble of the palaces all shimmer and melt together." My eccentric private errand became a part of the general romance and the general glory. I felt even a mystic companionship, a moral fraternity, with all those who, in the past, had been in the service of art. They had worked for beauty, for a devotion; and what else was I doing? That element was in everything that Jeffrey Aspern had written, and I was only bringing it to the light.

I lingered in the sala, when I went to and fro; I used to watch — so long as I thought decent — the door that led to Miss Bordereau's part of the house. A person observing me might have supposed I was trying to cast a spell upon it, or attempting some odd experiment in hypnotism. But I was only praying it would open, or thinking what treasure probably lurked behind it. I hold it singular, as I look back, that I should never have doubted for a moment that the sacred relics were there; never have failed to feel a certain joy at being under the same roof with them. After all, they were under my hand — they had not escaped me yet; and they made my life continuous, in a fashion, with the illustrious life they had touched at the other end. I lost myself in this satisfaction to the point of assuming — in my quiet extravagance — that poor Miss Tita also went back, went back, as I used to phrase it. She did indeed, the gentle spinster, but not quite so far as Jeffrey Aspern, who was simple hearsay to her, quite as he was to me. Only she had lived for years with Juliana, she had seen and handled the papers, and (even though she was stupid) some esoteric knowledge had rubbed off on her. That was what the old woman represented — esoteric knowledge; and this was the idea with which my editorial heart used to thrill. It literally beat faster often, of an evening, when I

had been out, as I stopped, with my candle, in the reëchoing hall, on my way up to bed. It was as if at such a moment as that, in the stillness, after the long contradiction of the day, Miss Bordereau's secrets were in the air, the wonder of her survival more palpable. These were the acute impressions. I had them in another form, with more of a certain sort of reciprocity, during the hours that I sat in the garden, looking up, over the top of my book, at the closed windows of my hostess. In these windows no sign of life ever appeared; it was as if, for fear of my catching a glimpse of them, the two ladies passed their life in the dark. But this only proved to me that they had something to conceal, which was what I had wished to demonstrate. Their motionless shutters became as expressive as eyes consciously closed, and I took comfort in thinking that, at all events, though invisible themselves, they saw me between the lashes.

I made a point of spending as much time as possible in the garden, to justify the picture I had originally given of my horticultural passion. And I not only spent time, but (hang it! as I said) I spent money. As soon as I had got my rooms arranged, and could give the proper thought to the matter, I surveyed the place with a clever expert, and made terms for having it put in order. I was sorry to do this, for, personally, I liked it better as it was, with its weeds, and its wild, rough tangle, its sweet, characteristic Venetian shabbiness. I had to be consistent, to keep my promise that I would smother the house in flowers. Moreover, I formed this graceful project, that by flowers I would make my way — I would succeed by big nosegays. I would batter the old women with lilies. I would bombard their citadel with roses. Their door would have to yield to the pressure when a mountain of carnations should be piled up against it. The place, in

truth, had been brutally neglected. The Venetian capacity for dawdling is of the largest, and for a good many days unlimited litter was all my gardener had to show for his ministrations. There was a great digging of holes and carting about of earth, and after a while I grew so impatient that I had thoughts of sending for my bouquets to the nearest stand. But I reflected that the ladies would see, through the chinks of their shutters, that they must have been bought, and might make up their minds, from this, that I was a humbug. So I composed myself, and finally, though the delay was long, perceived some appearances of bloom. This encouraged me, and I waited, serenely enough, till they multiplied. Meanwhile, the real summer days arrived and began to pass, and as I look back upon them they seem to me almost the happiest of my life. I took more and more care to be in the garden, whenever it was not too hot. I had an arbor arranged, and a low table and an armchair put into it; and I carried out books and portfolios (I had always some business of writing in hand), and worked and waited, and mused and hoped, while the golden hours elapsed, and the plants drank in the light, and the inscrutable old palace turned pale, and then, as the day waned, began to flush in it, and my papers rustled in the wandering breeze of the Adriatic.

Considering how little satisfaction I got from it at first, it is remarkable that I did n't grow more tired of wondering what mystic rites of ennui the Misses Bordereau celebrated in their darkened rooms; whether this had always been the tenor of their life, and how, in previous years, they had escaped elbowing their neighbors. It was clear that they must have had other habits and other circumstances; that they must once have been young, or at least middle-aged. There was no end to the questions it was possible to ask about them, and no end to the answers it was not possible

to frame. I had known many of my country-people in Europe, and was familiar with the strange ways they were liable to take up there; but the Misses Bordereau formed altogether a new type of the American absentee. Indeed, it was plain that the American name had ceased to have any application to them — I had seen this in the ten minutes I spent in the old woman's room. You could never have said whence they came, from the appearance of either of them; wherever it was, they had long ago dropped the accent and fashion. There was nothing in them that one recognized, and, putting the question of speech aside, they might have been Norwegians or Spaniards. Miss Bordereau, after all, had been in Europe nearly three quarters of a century; it appeared by some verses addressed to her by Aspern, on the occasion of his own second absence from America — verses of which Cumnor and I had, after infinite conjecture, established, solidly enough, the date — that she was even then, as a girl of twenty, on the foreign side of the sea. There was an implication in the poem (I hope not just for the phrase) that he had come back for her sake. We had no real light upon her circumstances at that moment, any more than we had upon her origin, which we believed to be of the sort usually spoken of as "modest." Cumnor had a theory that she had been a governess in some family in which the poet visited, and that, in consequence of her position, there was from the first something unavowed, or rather something positively clandestine, in their relations. I, on the other hand, had hatched a little romance, according to which she was the daughter of an artist, painter or sculptor, who had left the western world when the century was young, to study in the ancient schools. It was essential to my hypothesis that this amiable man should have lost his wife, should have been poor and unsuccessful, and should have had a

second daughter, of a disposition quite different from Juliana's. It was also indispensable that he should have been accompanied to Europe by these young ladies, and should have established himself there for the remainder of a struggling, saddened life. There was a further implication that Miss Bordereau had had in her youth a perverse and adventurous, albeit a generous and fascinating, character, and that she had passed through some singular vicissitudes. By what passions had she been ravaged, by what sufferings had she been blanched, what store of memories had she laid away for the monotonous future?

I asked myself these things, as I sat spinning theories about her in my arbor, and the bees droned in the flowers. It was incontestable that, whether for right or for wrong, most readers of certain of Aspern's poems (poems not as ambiguous as the sonnets — scarcely more divine, I think — of Shakespeare) had taken for granted that Juliana had not always adhered to the steep footway of renunciation. There hovered about her name a perfume of passion, an intimation that she had not been exactly as the respectable young person in general. Was this a sign that her singer had betrayed her, had given her away, as we say nowadays, to posterity? Certain it is that it would have been difficult to put one's finger on the passage in which her fair fame suffered an imputation. Moreover, was not any fame fair enough that was so sure of duration, and was associated with works immortal through their beauty? It was a part of my idea that the young lady had had a foreign lover (and an unedifying tragical rupture) before her meeting with Jeffrey Aspern. She had lived with her father and sister in a queer, old-fashioned, expatriated, artistic Bohemia, in the days when the æsthetic was only the academic, and the painters who knew the best models for a *contadina* and a *pifferaro* wore peaked hats and long hair. It was a society

less furnished than the coteries of to-day (in its ignorance of the wonderful chances, the opportunities of the early bird, with which its path was strewn), with tatters of old stuff and fragments of old crockery; so that Miss Bordereau appeared not to have picked up or have inherited many objects of importance. There was no enviable bricabrac, with its provoking legend of cheapness, in the room in which I had seen her. Such a fact as that suggested bareness, but none the less it worked happily into the sentimental interest I had always taken in the early movements of my countrymen as visitors to Europe. When Americans went abroad in 1820, there was something romantic, almost heroic, in it, as compared with the perpetual ferryings of the present day, when photography and other conveniences have annihilated surprise. Miss Bordereau sailed, with her family, on a tossing brig, in the days of long voyages and sharp differences; she had her emotions on the top of yellow diligences, passed the night at inns where she dreamed of travelers' tales, and was struck, on reaching the eternal city, with the elegance of Roman scarfs. There was something touching to me in all that, and my imagination frequently went back to the period. If Miss Bor-

dereau carried it there, of course Jeffrey Aspern, at other times, had done so a great deal more. It was a much more important fact, if one was looking at his genius critically, that he had lived in the days before the general transfusion. It had happened to me to regret that he had known Europe at all; I should have liked to see what he would have written without that experience, by which he had incontestably been enriched. But as his fate had ordered otherwise, I went with him—I tried to judge how the old world would have struck him. It was not only there, however, that I watched him; the relations he had entertained with the new had even a livelier interest. His own country, after all, had had most of his life, and his muse, as they said at that time, was essentially American. That was originally what I had loved him for: that at a period when our native land was nude and crude and provincial, when the famous "atmosphere" it is supposed to lack was not even missed, when literature was lonely there, and art and form almost impossible, he had found means to live and write like one of the first; to be free and general, and not at all afraid; to feel, understand, and express everything.

Henry James.

THE DAWES BILL AND THE INDIANS.

ON February 8, 1887, the enactment of a great, far-reaching, and beneficent law relating to the Indians was completed by the signature of the President. So important a measure deserves to be carefully studied and exactly appreciated. This is the more desirable, because there is danger lest the greatness of the present achievement should lead good men and women to slacken their vigilance, and to forget that much yet

remains to be done. The severalty law, still best known as the "Dawes Bill," by the name of the distinguished Senator who secured the passage of it, contemplates and goes far to make certain the abolition of all the civil and political disabilities of the majority of the Indians, and the granting to them of land in separate ownership; but it does not accomplish all this at once. Moreover, there is much which it has not under-

taken to do at all. What, then, is the exact scope of the law? What has it done, and what has it not done? What should now be undertaken?

I. As to what the law has done.

It deals with two subjects only, namely, the ownership of land and citizenship. These things have no necessary connection with each other. A man may own land without being a citizen, or having the right to become one. A Chinaman, who cannot, under our present laws, be naturalized, may own land; and many a tribal Indian, not yet a citizen, has long owned it.

A. Of these two things, it is the land question with which the severalty law is primarily and mainly taken up, — with provisions looking first to securing to the individual Indians the ownership of separate parcels of land; and second, after taking out land enough to satisfy these separate allotments, to getting the rest of the reservations into the market, and thus opening them to settlement and occupancy by the whites.

It has long been perceived that the key to the solution of the Indian question lies in a just arrangement about their land, — one which should abolish the tribal title, give to individuals the ownership of reasonable quantities, and throw open to settlement all the rest. In general, as it is well known, our law has mainly dealt with the Indians by tribes, and not as individuals, and has not recognized, even in the tribes, ownership of the land they occupied, in any strict sense of the word. England, like the other states of Europe, claimed the lands of the New World by the right of discovery. Had these lands, when found, been occupied by "Christian people," their title to the land would have been respected; but barbarous races were at that period dealt with in a very differ-

ent way. The Indians were perceived to be human beings, and so capable of rights; and they were allowed a right of occupancy in the land, in such reasonable amounts, at any rate, as they actually inhabited and used. They were not quite on a footing with the wolves and wild-cats that also tenanted this country; for, unlike them, they did have their right of occupancy. But when they went away the right was gone; and it has been repeatedly laid down by the Supreme Court of the United States that the "Indian title," as it is sometimes called, was not inconsistent with the fee simple, the absolute ownership, being in other persons. So that it is not too much to say that the soil of this country was granted by the Europeans, and has since passed from hand to hand, upon a theory which, as regards *ownership* of the soil, placed the Indians and the wild animals that roamed over it upon the same footing.¹

But there came the inevitable process of adjustment, of fixing the boundaries of the "Indian country," and taking a cession of their claims to all the rest; and then, further cessions and treaty arrangements, and removals of the Indians to new and remoter regions. In this way their slender rights to the land became modified; some tribes acquired an absolute title, and others a smaller right than that, but greater, or at least securer, than before. We moved most of them to the West, and were fain to forget them. But that was not so easily done. The country grew; and in recent years, instead of their being isolated and far beyond our settlements, it has come to pass that they are in the midst of them. The tide of our population has crept in and around and behind their reservations, and swept far beyond them. People look over into the fertile Indian

¹ "The whole continent was divided and parceled out and granted by the governments of Europe as if it had been vacant and unoccupied land." (Taney, C. J., in *U. S. v. Rogers*,

4 Howard at page 572.) For a brief statement as to the "Indian title" see *U. S. v. Cook*, 19 Wallace, 591.

tracts from which they are shut out, and covet them; and they begin to break through and steal.

It has long been seen that these regions must be opened; that the ownership or control of great tracts of country by tribes — tribal control, that strong bulwark of the power of the chiefs — must be broken up; that individual Indians should be allowed the immense stimulus towards a civilized life which comes with the separate ownership of land; and last, but by no means least, that the clamor of outsiders for a chance at the Indians' unused and wide-stretching fields must, in some honest way, be met. Indeed, this "greed of the land-grabber" it is to which leading supporters of the severalty law now look as furnishing a main impulse to the rapid execution of it, — recalling, perhaps, the familiar scripture: "Surely the wrath of man shall praise thee."

This matter, then, this dealing with the land question, takes up the body of the new statute. And what is it, exactly, that it does about the Indians' land?

1. It authorizes, but it does not require, the President, in case any Indian reservation has good agricultural and grazing land (and it may probably be assumed that there are none in which there is not some such land, so that we may say that it authorizes the President, in the case of all reservations), to cause a survey of "said reservations, or any part thereof," and to allot the land in specified amounts (for example, one quarter of a section to each head of a family) to such of the Indians, men, women, and children, as may apply for it in the designated way. So far it is wholly optional with the President whether he will offer anything to the Indians, and then with the Indians whether they will accept what is offered. But after four years from the time when the President directs the making of allotments on any specific reservation, if there be any Indians who have not come

forward and claimed their share of land, the Secretary of the Interior is authorized, but he is not required, to compel all of these reluctant Indians to take an allotment, and, to that end, to appoint a person to select for them.

It will be noticed, then, that the President has the power, in the case of all the reservations, (1) to proceed at once to a survey and allotment of all the lands; and (2) within four or five years — four years, in the case of each reservation, from the time that an allotment is ordered thereon — to fix each head of a family and each single person, among the tribal Indians, man, woman, or child, with the ownership of a considerable tract of land. This process, on several reservations, has already begun.

So far all relates to the reservations. But there is another class of Indians, not very numerous, — wandering people, and others not living on reservations. As regards these, it is provided that they may settle upon any public lands not otherwise appropriated, and have an allotment, upon application to the local land-office, without the usual payment of fees. As touching these Indians, all is optional with them: they may proceed at once; no one can, at any time, compel them to take their land; and on the other hand, they need not wait for the action of President or secretary.

There are matters of detail which it would not be instructive to enlarge upon; for example, provisions as to regulating the use of water for irrigation, and for extending over the reservations those laws of the adjoining State or Territory which relate to the descent and partition of land. The chief of these matters of detail is a provision that the Indian owner of land in severalty cannot for twenty-five years convey this land, or make "any contract . . . touching the same."

2. But there is more which concerns the Indians' land. Little mention has yet been made of that part of it where

the mainspring lies, — that appeal to "the land-grabber," to cite again the phrase of an eminent champion of the law, — which seems likely to bring a pressure upon our public officials that will start them into activity.

The allotments to individual Indians may take but a small fraction of the whole reservation: these allotments run from forty acres up to a hundred and sixty acres apiece, and in some contingencies to a possible three hundred and twenty acres. Much land may be left. The law therefore authorizes the Secretary of the Interior, when all the allotments have been made, or sooner, if the President thinks it "for the best interests" of the tribe, to purchase from the Indians the whole or any part of the reservations not needed for allotments. This, then, *may* be done immediately, or at least as soon as it can be ascertained how much must be reserved for allotments.

In this part of the law, also, there are details which need not be mentioned, with the exception of two: 1. The purchase money to be paid by the government for this land does not go directly to the Indians, but is to be held in the United

States Treasury, on interest at three per cent., subject to appropriation by Congress for the education and civilization of the Indians of the particular reservation. One would feel a good deal surer of the proper application of that money if it were to be put into some trust company, upon specific and defined trusts. 2. Another provision requires all the land thus obtained by the government which is "adapted to agriculture" to be disposed of only to actual settlers, in tracts not exceeding a hundred and sixty acres to one person; and no patent (that is, no government deed) is to be issued until the grantee has occupied his tract for five years.

Such, then, are the provisions of the severalty law about land: first, for breaking up tribal ownership, and giving to each tribal Indian, whether on or off a reservation, a separate title to a reasonable amount of land; and second, for opening to settlement all the rest of the Indian land.

B. The other matter dealt with in this law is citizenship.¹ All of this momentous part of the statute is found in the few lines of sec. 6; and it is not free from ambiguity. In order to understand it,

¹ It is interesting to notice that these words "citizen" and "citizenship," which we use so freely and familiarly to-day as indicating membership of a self-governing State, did not have that meaning in English speech until a little more than a hundred years ago; and it is we, on this side of the water, who have given them this sense, as it is we who have given prominence to the thing for which these words now stand. The words, indeed, are very old in English usage, as one may see by his Blackstone; but they imported merely membership of a burgh or local municipal corporation. The word "subject" was the English representative of our present term "citizen." Our sense of it seems to have been a Gallicism; in French use (*teste* Rousseau) it was common enough to speak of one's countrymen as *citoyens* and *concitoyens*. In the Declaration of Independence we read it once: "He has constrained our fellow-citizens," etc.; and once in 1781, in the Articles of Confederation. In the treaty with France of 1778, the usual phrase is "subjects," "people," or "inhabitants,"

but "citizens" does occur as applicable to the United States. In the treaty with Great Britain of 1782, it is used in a marked way: "There shall be a . . . peace between his British majesty and the said States, and between the subjects of the one and the citizens of the other." There was evidently felt to be an awkwardness in calling these newly emancipated republican "sovereigns" of America by the old phrase of "subjects." Of course, as all know, the word was freely used in the national Constitution in 1789; and so, but less freely, in the Massachusetts constitution of 1780; but it does not occur in the rejected constitution of 1778. I believe that it is not to be found in any of the ten state constitutions that were adopted before that of Massachusetts. In the ninth decade it seems to have become a familiar phrase. There are, however, interesting little signs, in the correspondence of the period, of a certain perplexity that was felt by foreigners at our use of the word. See, for example, in 1784, John Adams's Works, viii. 213.

one or two explanations are necessary. 1. It must be remembered that provisions for allotting lands to Indians in separate ownership had previously been put into treaties and statutes. In this respect, the Dawes Bill only adopted and made of general application measures that had been here and there, in the case of particular tribes, made use of before; and this is the significance of the title, sometimes given to it, of the "*General Land in Severalty Law*." 2. There have always been instances of Indians leaving their tribe, and settling among the whites. What the precise status of these people was had been made a question. Had they, by settling among the whites, — perhaps paying taxes and voting, and perhaps not, but still abandoning their tribe, and, as it were, expatriating themselves, — become citizens of any State or of the Union? Three years ago, this class of questions was mainly settled in the case of *Elk v. Wilkens*, 112 U. S. 94, where it was held that a tribal Indian could not become a citizen of the United States merely by thus abandoning his tribe and settling among the whites. 3. It must be remembered that a citizen of the United States is not necessarily a citizen of any State. A person born and always living in a Territory is never the citizen of any State, but he may be a citizen of the United States.

Now, recognizing these things, let us see what sec. 6 of the severalty law accomplishes. 1. It declares that every Indian who has heretofore voluntarily left his tribe and adopted "the habits of civilized life" shall be a citizen of the United States. Whether those who do this hereafter are to become citizens thereby is not so clear. 2. It gives national citizenship to every Indian who shall have received an allotment of land under this law, or under any other law or treaty. The grounds for the doubt expressed just now as regards Indians who shall hereafter leave their tribe may

be seen by comparing the language relating to that class of Indians with the expressions used in dealing with those who take allotments. The statute reads thus: "Every Indian . . . to whom allotments *shall have been made* . . . and every Indian . . . *who has voluntarily taken up* . . . his residence separate and apart," etc. The general purposes and scheme of the statute give reason for construing these tenses as synonymous. 3. Upon the completion of all the allotments and the issuing of the government deeds in any reservation, those who receive them "shall have the benefit of and be subject to the laws, both civil and criminal, of the State or Territory in which they may reside." This result is thought by many, including Senator Dawes, to follow immediately, in the case of each Indian, one by one, as fast as they receive allotments and deeds; and it is said that this construction is accepted by the Interior Department. The language is this: "Upon the completion of said allotments and the patenting of the lands to said allottees, each and every member . . . to whom allotments shall have been made shall have the benefit," etc. There are several perplexing questions as to the precise effect and the proper construction and operation of sec. 6; but it is not best to enter further upon them here. This, then, is the upshot of the second part of the law, namely: (1) that all to whom land is patented become at once citizens of the United States; (2) that all who, before the law, had gone away and adopted the habits of civilized life (and perhaps all who thereafter do this) are declared to be such citizens; (3) that when all the Indians on any reservation have thus been made citizens (and perhaps as each in succession becomes a citizen), they are to pass from under the special control of Congress, and to come, so far as Congress may authorize this, under the jurisdiction of the States and Territories.

As to the whole law, the main pro-

visions of it may be put into a word or two, thus: It enables a willing President to give to the tribal Indians private ownership of land; and thereupon they become citizens of the United States. It also enables the Executive to acquire the remaining land of the reservations, if the Indians will sell it, and to open them to settlement.

II. So much for what the law accomplishes. Now consider what it does not accomplish, and does not aim at. It is hardly necessary to say that the law does not seek to reach these grave results at once. That is apparent on the face of it. Some tribes, like the powerful Sioux, are not now ready to accept the new order of things. Even if all Indians were now ready, it may well be doubted by any President who cares for their best interests whether they should be made citizens at once, or with anything like the speed which would attend an immediate execution of the provisions of the law. For it must be observed that when this is done, Congress can no longer give any special protection to Indians; they are then at sea, in the same boat with all other citizens, and must sink or swim with them, and take their chance, with the rest, of being covertly thrown overboard by the majority.

That is a very grave objection to giving immediate citizenship to Indians. If the severalty law, instead of giving citizenship at once upon the allotment and patenting of land, had adopted some such rule as that applied to certain Wisconsin Indians in 1865, or that in the

case of certain Kansas Indians in 1873,¹ requiring specified evidence of intelligence and fitness before citizenship was given, it might be assumed that the execution of the law ought to be pushed forward with all possible speed. But as things stand, it is by no means certain that it would be best to do that now, or that those will think it best who have the discretion to initiate proceedings. But even if we assume that the law will be rapidly put in force, it will take a considerable number of years before it accomplishes its purposes. What will be the situation in the interval? In order to answer that question, it must be observed what it is that the law does not do.

1. It does not cover the case of all the tribal Indians. Ten or eleven tribes are excepted, including the so-called "civilized tribes" in the Indian Territory. Very likely this may have been a wise omission, — at any rate in the main; but the fact continues, and should be kept in mind, that many thousands of Indians, perhaps a quarter or a third of them all, are not touched by the severalty law.

2. While it provides for the gradual picking off of members of the tribes, and planting them, here and there, on the reservations as citizens and land-owners, it provides them with no courts there, no means whatever of enforcing their rights there, and no system of law. There is little or no law on the reservations now except the vanishing traditions of tribal authority.² Certainly an Indian lacks much who is set up in the

by law for the naturalization of aliens, he or she shall be declared by said court to be a citizen of the United States, which shall be entered of record, and a certificate thereof given to said party."

² If one were to speak with minute accuracy, he would have to except a certain amount of criminal jurisdiction in the United States, and in one or two States a claim, at least on their part to something more than that; but such laws are only enforceable by traveling to courts outside the reservation. Mention would also have to be made of the good and sensible en-

¹ Rev. Stat. U. S., sec. 2312; 17 U. S. Stat. at Large, p. 631. The last reads thus: "If any adult member of said tribe shall desire to become a citizen of the United States, shall prove, by at least two competent witnesses, to the satisfaction of the Circuit Court of the United States for the State of Kansas, that he or she is sufficiently intelligent and prudent to manage his or her own affairs, and has, for the period of five years, been able to maintain himself or herself and family, and has adopted the habits of civilized life, and shall take an oath of allegiance to the United States, as provided

middle of a reservation which may be several times as large as Massachusetts; endowed, to be sure, with citizenship and land, but with no courts to appeal to, and no organized political society about him. He has lost his old surroundings, and has not yet acquired any new ones; he has passed into a sort of *limbo*.

"As far from help as limbo is from bliss."

3. It leaves these land-owners with little power to use their land. They cannot let it on shares, or let it at all, or make any contract about it, or make an exchange.

4. There is no arrangement for securing to these new citizens the laying out of roads, or any other public improvements. Since their land is inalienable for a quarter of a century and untaxable, there is small inducement to any State or county to do much for them. Trouble has already arisen on this score, in the case of lands allotted under previous laws.

5. The law makes no provision for the education of these new citizens or their children.

6. It leaves the whole reservation system untouched. Outsiders are still to be kept out; only the agents and political officials from Washington and such as they admit may come in. Only the licensed Indian trader can do business there. The new citizens will, indeed, be in the same position on the reservation as any of us would be if we were to go out and live there. But what would that be? We should be full citizens, to be sure, with liberty to move away if we liked. But while we chose to stay there we should find the air not very invigorating; we should be subject to all the restraints and limitations upon our full deavors on some reservations to administer a rude justice through the agents. But such attempts have no fixed basis of law. Indians, when off their reservation, are as fully protected by and amenable to the laws, and as fully entitled to sue in the courts, as any other class

rights which are incidental to maintaining a non-intercourse reservation system; we should find there the same prevailing barbarism, the same sickly, stunted, abortive civilization, the same absence of trade or commerce, the same mischievous and unfettered political control, denying civil and political rights to the tribal Indians who have not become citizens, and making beggars of them.

III. What, then, remains to be done?

1. Courts and some system of law should be at once provided for the reservations, not merely to protect the newly created Indian citizens, but for all the Indians and others who may be living there.

2. Provision should be made to enable the new citizens, with the approval of some suitable person, to use and perhaps to exchange their lands; and also to secure to them that necessity of civilization, — good roads.

3. The case of the Indians not covered by the severalty law should be dealt with.

4. A thorough system of compulsory education among the Indians should be adopted.

5. And finally, at least where the law is not likely to make an early ending of the reservation system, that whole accidental and outgrown scheme of non-intercourse and absolute power should be ended; and without making the Indians citizens all at once, the administration of their affairs should be carried on as that of other people's affairs is carried on, namely, under the ordinary laws of the land, applied and administered by the authority of the general government. But as regards this last matter, it would seem wise to wait a little, until it can be seen just how, and how fast, the severalty law is likely to work.

of persons who are not citizens of the United States; for example, as a newly landed Englishman or any Chinaman. The present writer may be permitted to refer to a fuller consideration of this question in the *Harvard Law Review*, i. 149.

One additional thing should be mentioned. It is of the utmost importance that the general government should not lose its control over the Indian question until it really means to part with it. Now in the race for the admission of new States which appears to be impending, and which, as some persons seem to think, may end the existence of almost all our "Territories" within a few months, our congressmen should be held to the utmost vigilance, lest the power of the general government as regards the Indians be cut down by any artful omission or turn of phrase in the acts for admitting new States. In the several organic acts of the Territories, and partly, also, in the Revised Statutes of the United States, there are provisions protecting the Indians from territorial legislation, and reserving the full authority of the general government over them; in some cases, there are clauses which in terms exclude the reservation from the territorial limits of the new community. This was the case, for example, in the Territories of Kansas and Nebraska, and of Colorado. What the effect of such clauses may be is shown in a very recent case in Nebraska,¹ in which an act of the territorial legislature in 1855, undertaking to organize a county in an Indian reservation, was held void, after thirty years, on the ground that the reservation, although within the outside limits of the Territory, constituted no part of it, and was absolutely outside of its jurisdiction. When Kansas was admitted into the Union as a State, these same restrictions were wisely required to be continued, and they were enforced in 1866, by the Supreme

Court of the United States, as against attempted legislation by that State.² In speaking of the Shawnees, the court said, through Mr. Justice Davis: "If the tribal organization of the Shawnees is . . . recognized by the political department of the government as existing, then they are a people distinct from others, . . . separated from the jurisdiction of Kansas, and to be governed exclusively by the government of the Union." But in 1864 and 1875, when Nebraska and Colorado were admitted, the same care was not taken. And accordingly, in 1881, the Supreme Court had to hold that the general government had lost its jurisdiction over offenses committed on the Ute reservation in Colorado.³ Mr. Justice Gray, speaking for the court, said, after referring to the territorial restrictions: "If this provision . . . had remained in force after Colorado became a State, this indictment might doubtless have been maintained in the Circuit Court of the United States. . . . But the act of Congress . . . for the admission of Colorado into the Union . . . contains no exception of the Ute reservation, or of jurisdiction over it. . . . The act necessarily repeals the provisions of any prior statute or of any existing treaty which are clearly inconsistent therewith."

It is not necessary to go further with these illustrations. Enough has been said to show the danger. It behoves all who care for the right settlement of the Indian question to see to it that in admitting any new States hereafter, the power of the general government as regards the Indians should not be diminished.

James B. Thayer.

¹ *State v. Thayer*, 35 Northwestern Reporter, 200; decided November 16, 1887.

² *The Kansas Indians*, 5 Wallace, 737.

³ *U. S. v. McBratney*, 104 U. S. 621.

OVER THE TEACUPS.

THE readers of this magazine may recollect a series of conversations held many years ago over the breakfast-table, and reported for their more or less profitable entertainment. Those were not very early breakfasts at which the talks took place, but at any rate the sun was rising, and the guests had not as yet tired themselves with the labors of the day. The morning cup of coffee has an exhilaration about it which the cheering influence of the afternoon or evening cup of tea cannot be expected to reproduce. The toils of the morning, the heats of midday, the slanting light of the descending sun, or the sobered translucency of twilight have subdued the vivacity of the early day. Yet under the influence of the benign stimulant many trains of thought may suggest themselves to some of the quiet circle which will bear recalling, if it is done with modest expectations, for that class of readers who love to resign themselves for a while to the guidance of a reporter who, in pleasing himself, hopes sometimes to be able to please them.

How early many of my old breakfast companions went off to bed! I am thinking not merely of those who sat round our table, but of that larger company of friends who listened to our conversations as reported. Dear girl with the silken ringlets, dear boy with the down-shadowed cheek, your grandfather, your grandmother, turned over the freshly printed leaves that told the story of those earlier meetings around the plain board where so many things were said and sung, not all of which have quite faded from the memory of this overburdened and forgetful time. Your father, your mother, found the scattered leaves gathered in a volume, and smiled upon them as not uncompanionable acquaintance. My tea-table makes no promises.

There is no company provided to sit around it. There is no programme of exercises to be studied beforehand. What if I should content myself with a single report of what was said and done over our teacups? Perhaps my young reader would be glad to let me off, for there are talkers enough who have not yet left their breakfast-tables; and nobody can blame the young people for preferring the thoughts and the language of their own generation, with all its future before it, to those of their grandfathers' contemporaries.

My reader, young or old, will please to observe that I have left myself entire freedom as to the sources of what may be said over the teacups. Friends may drop in, and will be very likely to. I have not said how many cups are commonly on the board, but by using the plural I have implied that there is at least one other talker or listener beside myself, and for all that appears there may be a dozen. There will be no regulation length to my reports, — no attempt to make out a certain number of pages. I have no contract to fill so many columns, no pledge to contribute so many numbers. I can stop on this first page if I do not care to say anything more, and let this article stand by itself if so minded. What a sense of freedom it gives not to write by the yard or the column!

When one writes for an English review or magazine at so many guineas a sheet, the temptation is very great to make one's contribution cover as many sheets as possible. We all know the metallic taste of articles written under this powerful stimulus. If Bacon's Essays had been furnished by a modern hand to the Quarterly Review at fifty guineas a sheet, what a great book it would have taken to hold them!

The first thing which suggests itself to

me, as I contemplate my slight project, is the liability of repeating in the evening what I may have said in the morning in one form or another, and printed in these or other pages. When it suddenly flashes into the consciousness of a writer who has been long before the public, "Why, I have said all that once or oftener in my books or essays, and here it is again, the same old thought, the same old image, the same old story!" it irritates him, and is likely to stir up the monosyllables of his unsanctified vocabulary. He sees in imagination a thousand readers, smiling or yawning as they say to themselves, "We have had all that before," and turn to another writer's performance for something not quite so stale and superfluous. This is what the writer says to himself about the reader.

The idiot! Does the simpleton really think everybody has read all he has written? Does he really believe that everybody remembers all of his, the writer's, words he may happen to have read? At one of those famous dinners of the Phi Beta Kappa Society, where no reporter was ever admitted, and from which nothing ever leaks out about what is said and done, Mr. Edward Everett, in his after-dinner speech, quoted these lines from the *Aeneid*, giving a very liberal English version of them, which he applied to the Oration just delivered by Mr. Emerson:—

*Tres imbris torti radios, tres nubis aquosæ
Addiderant, rutili tres ignis, et alitis Austri.*

His nephew, the ingenious, inventive, and inexhaustible Dr. Edward Everett Hale, tells the story of this quotation, and of the various uses to which it might be applied in after-dinner speeches. How often he ventured to repeat it at the Phi Beta Kappa dinners I am not sure; but as he reproduced it with his lively embellishments and fresh versions and artful circumlocutions, not one person in ten remembered that he had listened to those same words in those same accents

only a twelvemonth ago. The poor deluded creatures who take it for granted that all the world remembers what they have said, and laugh at them when they say it over again, may profit by this recollection. What if one does say the same things, of course in a little different form each time, over and over? If he has anything worth saying, that is just what he ought to do. Whether he ought to or not, it is very certain that this is what all who write much or speak much necessarily must and will do. Think of the clergyman who preaches fifty or a hundred or more sermons every year for fifty years! Think of the stump speaker who shouts before a hundred audiences during the same political campaign, always using the same arguments, illustrations, and catchwords! Think of the editor, as Carlyle has pictured him, threshing the same straw every morning, until we know what is coming when we see the first line, as we do when we read the large capitals at the head of a thrilling story, which ends in an advertisement of an all-cleansing soap or an all-curing remedy!

The latch-key which opens into the chambers of my consciousness fits, as I have sufficient reason to believe, the private apartments of a good many other people's thoughts. The longer we live, the more we find we are like other persons. When I meet with any facts in my own mental experience, I feel almost sure that I shall find them repeated or anticipated in the writings or the conversation of others. This feeling gives one a freedom in telling his own personal history he could not have enjoyed without it. My story belongs to you as much as to me. *De te fabula narratur.* Change the personal pronoun,—that is all. It gives many readers a singular pleasure to find a writer telling them something they have long known or felt, but which they have never before found any one to put in words for them. An author does not always know when he

is doing the service of the angel who stirred the waters of the pool of Bethesda. Many a reader is delighted to find his solitary thought has a companion, and is grateful to the benefactor who has strengthened him. This is the advantage of the humble reader over the ambitious and self-worshipping writer. It is not with him *pereant illi*, but *beati sunt illi qui pro nobis nostra dixerunt*, — Blessed are those who have said our good things for us.

What I have been saying of repetitions leads me into a train of reflections like which I think many readers will find something in their own mental history. The area of consciousness is covered by layers of habitual thoughts, as a sea-beach is covered with wave-worn, rounded pebbles, smoothed and polished by long attrition against each other. These thoughts remain very much the same from day to day, even from week to week; and as we grow older, from month to month, and from year to year. The tides of wakening consciousness roll in upon them daily as we unclothe our eyelids, and keep up the gentle movement and murmur of ordinary mental respiration until we close them again in slumber. When we think we are thinking, we are for the most part only listening to the sound of attrition between these inert elements of our intelligence. They shift their place a little, they change their relations to each other, they roll over and turn up a new surface. Now and then a new fragment is cast in among them, to be worn and rounded and take its place with the others, but the pebbled floor of consciousness is almost as stationary as the pavement of a city thoroughfare.

It so happens that at this particular time I have something to tell which I am quite sure is not one of the rolled pebbles which my reader has seen before in any of my pages, or, as I feel confident, in those of any other writer.

If my reader asks why I do not send the statement I am going to make to some one of the special periodicals that deal with such subjects, my answer is, that I like to tell my own stories at my own time, in my own chosen columns, where they will be read by a class of readers I like to talk with.

All men of letters or of science, all writers well known to the public, are constantly tampered with, in these days, by a class of predaceous and hungry fellow-laborers who may be collectively spoken of as the *brain-tappers*. They want an author's ideas on the subjects which interest them, the inquirers, from the gravest religious and moral questions to the most trivial matters of his habits and his whims and fancies. Some of their questions he cannot answer; some he does not choose to answer; some he is not yet ready to answer, and when he is ready he prefers to select his own organ of publication. I do not find fault with all the brain-tappers. Some of them are doing excellent service by accumulating facts which could not otherwise be attained. But one gets tired of the strings of questions sent him, to which he is expected to return an answer, plucked, ripe or unripe, from his private tree of knowledge. The brain-tappers are like the owner of the goose that laid the golden eggs. They would have the embryos and germs of one's thoughts out of the mental oviducts, and cannot wait for their spontaneous evolution and extrusion.

The story I have promised is, on the whole, the most remarkable of a series which I may have told in part at some previous date, but which, if I have not told, may perhaps be worth recalling at a future time.

Some few of my readers may remember that in the January number of this magazine I suggested the possibility of the existence of an *idiotic area* in the human mind, corresponding to the blind spot in the human retina. I trust that

I shall not be thought to have let my wits go wandering in that region of my own intellectual domain, when I relate a singular coincidence which very lately occurred in my experience, and add a few remarks made by one of our company on the delicate and difficult but fascinating subject which it forces upon our attention. I will first copy the memorandum made at the time : —

“Remarkable coincidence. On Monday, April 18th, being at table from 6.30 P. M. to 7.30, with — and — [the two ladies of my household], I told them of the case of ‘trial by battel’ offered by Abraham Thornton in 1817. I mentioned his throwing down his glove, which was not taken up by the brother off his victim, and so he had to be let off, for the old law was still in force. I mentioned that Abraham Thornton was said to have come to this country, ‘and [I added] he may be living near us, for aught that I know.’ I rose from the table, and found an English letter waiting for me, left while I sat at dinner. I copy the first portion of this letter : —

‘20 ALFRED PLACE, West (near Museum),
South Kensington, LONDON, S. W.
April 7, 1887.

DR. O. W. HOLMES :

DEAR SIR. — In travelling, the other day, I met with a reprint of the very interesting case of Thornton for murder, 1817. The prisoner pleaded successfully the old Wager of Battel. I thought you would like to read the account, and send it with this. . . .

Yours faithfully,
FRED. RATHBONE.”

Mr. Rathbone is a well-known dealer in old Wedgwood and eighteenth-century art. As a friend of my hospitable entertainer, Mr. Willett, he had shown me many attentions in England, but I was not expecting any communication from him; and when, fresh from my conversation, I found this letter just ar-

rived by mail, and left while I was at table, and on breaking the seal read what I had a few moments before been telling, I was greatly surprised, and immediately made a note of the occurrence, as given above.

I had long been familiar with all the details of this celebrated case, but had not referred to it, so far as I can remember, for months or years. I know of no train of thought which led me to speak of it on that particular day. I had never alluded to it before in that company, nor had I ever spoken of it with Mr. Rathbone.

I told this story over our teacups. There were several of us at the table that day, among them a young English lady. She seemed to be amused by the story. “Fancy!” she said, — “how very very odd!” “It was a striking and curious coincidence,” said the professor who was with us at the table. “As remarkable as two teaspoons in one saucer,” was the comment of the college youth who happened to be one of the company. But a friend of mine, a lecturer on all sorts of subjects, and a writer in half a dozen periodicals, began stirring his tea in a nervous sort of way, and I knew that he was getting ready to say something about the case. An ingenious man he is, with a brain like a tinder-box, its contents catching at any spark that is flying about. He has been, at one time or another, a phrenologist, an animal magnetizer, a homœopathist, hydropathist, spiritualist, faith-healer, Bacon-Shakespeare man, Keeley-notorist, and is now busy with Buddhism. As a lecturer, he has acquired the habit of discoursing at length with great fluency on any subject which interests him, almost as if he had notes before him. I always like to hear what he says when his tinder brain has a spark fall into it. It does not follow that because he is often wrong he may not sometimes be right, for he is no fool except about his health;

and as there is nothing the matter with him, he can safely amuse himself with swallowing little pellets and sniffing at corks as much as he likes. He treated my narrative very seriously.

The reader need not be startled at the new terms he introduces. Indeed, I am not quite sure that some thinking people will not adopt his view of the matter, which seems to have a degree of plausibility as he states and illustrates it.

"The impulse which led you to tell that story passed directly from the letter, which came charged from the cells of the cerebral battery of your correspondent. The distance at which the action took place [the letter was left on a shelf twenty-four feet from the place where I was sitting] shows this charge to have been of notable intensity.

"Brain action through space without material symbolism, such as speech, expression, etc., is analogous to electrical induction. Charge the prime conductor of an electrical machine, and a gold-leaf electrometer, far off from it, will at once be disturbed. Electricity, as we all know, can be stored and transported as if it were a measurable fluid.

"Your incident is a typical example of *cerebral induction* from a source containing stored *cerebricity*. I use this word, not to be found in my dictionaries, as expressing the brain-cell power corresponding to electricity. Think how long it was before we had attained any real conception of the laws that govern the wonderful agent, which now works in harness with the other trained and subdued forces! It is natural that cerebricity should be the last of the unweighable agencies to be understood. The human eye had seen heaven and earth and all that in them is before it saw itself as our instruments enable us to see it. This fact of yours, which seems so strange to you, belongs to a great series of similar facts familiarly known now to many persons, and before

long to be recognized as generally as the facts of the electric telegraph and the slaving 'dynamo.'

"What! you cannot conceive of a charge of cerebricity fastening itself on a letter-sheet and clinging to it for weeks, while it was shuffling about in mail-bags, rolling over the ocean, and shaken up in railroad cars? And yet the odor of a grain of musk will hang round a note or a dress for a lifetime. Do you not remember what Professor Silliman says, in that pleasant journal of his, about the little ebony cabinet which Mary, Queen of Scots, brought with her from France, — how 'its drawers still exhale the sweetest perfumes'? If they could hold their sweetness for more than three hundred years, why should not a written page retain for a week or a month the equally mysterious effluence poured over it from the thinking marrow, and diffuse its vibrations to another excitable nervous centre?"

I have said that although my imaginative friend is given to wild speculations, he is not always necessarily wrong. We know too little about the laws of brain-force to be dogmatic with reference to it. I am, myself, therefore, fully in sympathy with the psychological investigators. When it comes to the various pretended sciences by which men and women make large profits, attempts at investigation are very apt to be used as lucrative advertisements for the charlatans. But a series of investigations of the significance of certain popular beliefs and superstitions, a careful study of the relations of certain facts to each other, — whether that of cause and effect, or merely of coincidence, — is a task not unworthy of sober-minded and well-trained students of nature. Such a series of investigations has been recently instituted, and was reported at a late meeting held in the rooms of the Boston Natural History Society. The results were mostly negative, and in one sense a disappoint-

ment. A single case, related by Professor Royce, attracted a good deal of attention. It was reported in the next morning's newspapers, and will be given at full length, doubtless, in the next number of the *Psychological Journal*. The leading facts were, briefly, these: A lady in Hamburg, Germany, wrote, on the 22d of June last, that she had what she supposed to be nightmare on the night of the 17th, five days before. "It seemed," she wrote, "to belong to you; to be a horrid pain in your head, as if it were being forcibly jammed into an iron casque, or some such pleasant instrument of torture." It proved that on that same 17th of June her sister was undergoing a painful operation at the hands of a dentist. "No single case," adds Professor Royce, "proves, or even makes probable, the existence of telepathic toothaches; but if there are any more cases of this sort, we want to hear of them, and that all the more because no folk-lore and no supernatural horrors have as yet mingled with the natural and well-known impressions that people associate with the dentist's chair."

The case I have given is, I am confident, absolutely free from every source of error. I do not remember that Mr. Rathbone had communicated with me since he sent me a plentiful supply of mistletoe a year ago last Christmas. The account I received from him was

cut out of "The Sporting Times" of March 5, 1887. My own knowledge of the case came from "Kirby's Wonderful Museum," a work presented to me at least thirty years ago. I had not looked at the account, spoken of it, nor thought of it for a long time, when it came to me by a kind of spontaneous generation, as it seemed, having no connection with any previous train of thought that I was aware of. I consider the evidence of entire independence, apart from possible "telepathic" causation, completely water-proof, air-tight, incombustible, and unassailable.

I have had a whole chapter of curious coincidences, some of which, strange as they were, it was impossible to believe were in any causal relation. The Grenville-Tudor case was the most picturesque among them; the Mary Salter case the most unlikely to happen. But I am afraid I have told them already, somewhere or other, and I will say nothing about them at this time.

I could not keep my own personality out of this paper. But after all, how little difference it makes whether or not a writer appears with a mask on which everybody can take off, — whether he bolts his door or not, when everybody can look in at his windows, and all his entrances are at the mercy of the critic's skeleton key and the jimmy of any ill-disposed assailant!

Oliver Wendell Holmes.

THE LEARNED LADY DE GOURNAY.

In the sixteenth century women were becoming a power in literature and politics as well as in society, yet it was the fashion to ridicule and depreciate them even when their talents and moral qualities might have exempted them from disparaging criticism. Montaigne, the fa-

ther by adoption of the Lady de Gournay, went out of his way to satirize ladies, and to make droll or harsh and contemptuous remarks about them; beginning with his wife, who, though his marriage was wholly one of convenience, contracted in obedience to his prudent

father's wishes, must have made his home comfortable, or so self-indulgent a man would have lived in Paris, instead of retiring, at the early age of thirty-eight, from the court and the literary and social life of the city, though a favorite in both circles, to his secluded *château*.

He tells us he was thinking of his wife when he wrote, "I have known hundreds of women — and Gascony is famous for such examples — whom you could sooner have forced to bite red-hot iron than made give up an opinion conceived in anger." He admits that his wife was an excellent, virtuous woman, but would not always listen to his advice, and to her he wholly trusted the training of his only surviving child, Leonora, for whom, though she was not like the Lady Marie de Gournay, his "intellectual child," nor remarkable in any way, he felt a natural fatherly affection. Yet he was not unaware of her deficiencies, nor unwilling to reveal them to his readers.

It has been said that probably no author of his day, except writers of poems and romances, had ladies more in view when he wrote than the caustic Gascon essayist, — not, however, as a rule, because he valued their literary judgment; he was paradoxical and contradictory in this as in all else. He was not ambitious to have his work become a "book for a parlor window," the breviary not of worthies, but of belles and beaux. So far from desiring feminine readers was he that he often strove to disgust and repel them, but circumstances were too strong for him. The Reformation and the Renaissance opened the world of books to women, and great readers are learned in the art of selection and judicious skipping. Who cares to gather nauseous crown imperial, with a neighboring bank of violets perfuming the air? It was perhaps a little galling to the pride of the Sieur Michel de Montaigne that his first disciple was a woman, "the virgin de Gournay, that learned lady,"

if, as is just as likely as not (so difficult is it to discover his real sentiments), it were not principally a love of fun and teasing and a desire to give piquancy to the essays that led him to quote all he could collect of the tart sayings and witty or ill-natured stories of ancients and moderns in dispraise of women.

Bayle St. John remarks that Montaigne tried to resist the influence of women on literary style which began in the sixteenth century, said coarse things in order to show his independence, but yielded, nevertheless, in a great degree to this new force in literature; and readers of his works soon discover that not one of his essays is dedicated to a man, though he knew many men of noble and distinguished character. The essays were dedicated or addressed to Madame d'Elisac, to the Comtesse de Gurson, or to Madame de Duras, and his collection of La Boétie's Sonnets was inscribed to Madame de Grammont. He informs us that his translation of the work of Raymond de Sebonde, who endeavored to reconcile reason and faith, was read by many ladies, who, troubled by Sebonde's arguments, and uncertain that they understood his meaning, came to his translator for enlightenment. He therefore wrote for their use the apology for Sebonde, inscribing it to Marguerite de Navarre.

Montaigne, though his works found many readers, was not content with the fame he had won. There was a certain feminine quality in his nature, which would not permit him to remain satisfied with *unknown* readers. He could not be content to sit at home unappreciated and unread, his country neighbors merely amused to see so familiar a companion in print, while the world was praising him afar off. He wanted the personal love and devotion of his disciples as well as their admiration and acceptance of his philosophy, and was disappointed that congenial minds had not been incited by the publication of the

essays to "offer themselves to his friendship." But for Marie Le Jars de Gournay, his "adopted daughter," who, after the death of her mother, settled in Paris to devote herself to literary work, and was for fifty years the editor of his writings, "he who doubted so much might have died doubting his own value."

Marie Le Jars de Gournay was born at Paris, in 1566, and was the daughter of a Picard gentleman, of small fortune, but good social position, who was in the king's service. After his death, his widow returned to her native Picardy, and here Marie grew up in comparative poverty and seclusion. She was fond of study from her childhood, and though her mother disapproved of her taste for learning, and wished her to occupy herself wholly with sewing and housework, she managed in early youth secretly to acquire a knowledge of Latin and Greek, and in her girlhood translated the life of Socrates from the latter language, to please an unlearned neighbor. Before she was twenty Montaigne's essays fell into her hands, and from that time she became his disciple, and the most ardent desire of her heart was to meet him. "A sort of passion, a fatal sympathy, took possession of her." All other friends and interests were crowded out of her heart by a platonic affection for an author whom she had never seen, and who was known to her only by his published works. It has been said that this "learned virgin" never, after her twenty-fifth year (her parents and Montaigne were dead), loved anything but letters, her maid Jasmyñ, and her cat Piallon. But for the companionship of these two humble friends, she would have lived entirely alone; yet of so intense and passionate a nature was she in earlier youth that it is supposed (though he does not say so, nor explain the cause of her agitation) that Montaigne alludes to her when he speaks of meeting a young girl in Picardy, who, having made a vow, or

promise, to prove her courage, resolution, and constancy, "drew out a bodkin she wore in her hair, and gave herself four or five good stabs in her arms, which made the skin crack in good earnest."

After three years of impatient waiting for a personal acquaintance with Montaigne, Marie, in 1588, visited Paris (where he happened to be) with her mother, and had the satisfaction of meeting him. She sent him an enthusiastic note. Her flattery pleased him, and he went to see her and her mother, the day after he received her letter. He became as warmly attached to her as if he had been her father, and the filial reverence of his "intellectual child" surpassed the affection felt by most own daughters for their parents. It is probable that her clear brunette complexion, oval face set off with chestnut hair, and intellectual expression rendered her personal appearance attractive; for from what we know of Montaigne's fastidious taste, we think his biographer was right when he asserted that not even adulation could have reconciled the essayist to an ugly disciple, — that he would as soon have had an ugly doctor! He says in one of his essays that the conversation of beautiful and well-bred women was very agreeable to him, and that he had "a great esteem for wit, provided the person was without bodily exception; for to confess the truth, if the one or the other of these two perfections must of necessity be wanting, I should rather have quitted that of the understanding."

Montaigne was so pleased with both Marie and her mother that when they left Paris he accompanied them to their home at Gournay, and spent three months there. This was the only time they met, but they corresponded, it is supposed, till his death in 1592. Their friendship lasted four years. He forgot to leave his precious books to her, and his library was soon removed from the famous round room in the tower of his château, and dispersed by his unappreciative daughter

Leonora; but just before he died he pointed out to his wife two MS. copies of his essays, exactly alike, and the text elaborately prepared for the press, but with marginal notes. One of these he directed her to submit to Marie de Gournay, "the only person he knew in whose literary judgment and devotion to his memory he could confide." He was sure she would print them exactly as he left them; his learned friend Pasquier "would have erased his Gascon phrases and polished his periods," and taken all the salt and originality out of the book.

Montaigne's choice of a woman as the editor of his works cannot fail to recall to our memory the tirade in his essays against the scholarly ladies of his day, who tampered, he says, with things so improper and unnecessary to their business as rhetoric, law, logic, and the like drugs; and in discourse upon all sorts of subjects, how mean and common soever, spoke and wrote after a new and learned way, quoting Plato and Aquinas in things which the first they met could determine as well; for

"All now is Greek: in Greek their souls they pour,

In Greek their fears, hopes, joys."

He would have women, he declared, confine themselves to poetry, "a dissembling and prattling art, — all show, like themselves;" to a few selections from history; and to the moral parts of philosophy, which will teach them self-control. "This is the utmost," he concludes, "of what I would allow them in the sciences."

Immediately after his death, his wife sent for Marie, who at once hastened alone across France to the château, though war was raging and she was exposed to many dangers. She met with a kind reception from Montaigne's wife and daughter, her "sister by alliance," whom affection and imagination even enabled her to believe "somewhat touched by love of the Muses;" and the three

women, superior in some respects as Marie was to Leonora and her mother, drawn together by a common affection for him, became warm friends. Marie remained for fifteen months at Montaigne, translating quotations from the classics, writing notes, and preparing prefaces. She worked, no doubt, at his desk, his one thousand folios surrounding her; glancing up occasionally at the rafters, inscribed with black-letter sentences from his favorite Greek and Latin authors or from the Bible, or gazing out of the three windows at the rich, wide view he loved so well, — at the farmyard and family life seen through opposite lower doors; feeling herself wrapped the while in the sociable silence which he had considered one of the attractions of his study; seeing and knowing all that was going on, but hearing only faint murmurs of sound, if voices of people and animals floated up at all. On the frontispiece of her first edition of his works she inscribed the words, "Montaigne wrote this book; Apollo conceived it." "Who can refuse," says Bayle St. John, "to love this delightful young woman, engaged in such work? Her enthusiasm is contagious. The essayist rises in our estimation, when we find him the object of such posthumous worship!"

She lived to be aged, and the indefatigable editor for more than fifty years fought for Montaigne's reputation, defended him against all attacks, made his essays known, and really did much to secure his fame. Though "the wits and *débauchés* of another age, understanding neither her nor Montaigne, satirized her, slandered her, and played off practical jokes on her," Marie's life was happy and successful; for Montaigne's literary reputation was preserved, and to preserve that was the one desire of her heart. Her conversations with him at Paris and Gournay and a probably succeeding correspondence were a means of intellectual culture and training, stimulating her imagination and exciting her

ambition; his praise and encouragement giving her confidence to attempt literary work. Her most original production was inspired by him, and was the result of their talks during sunset strolls "between the tall trees on the green plains of Picardy." It was a sentimental romance, ending in a suicide and two projected murders, unattractive to readers with nineteenth-century ideas of taste and morality, and dedicated to her "second father;" and though some serious critics condemned the book, it was very popular, and at least proved that Montaigne had not overestimated the intellectual gifts of his *fille d'alliance*.

In the essay on Presumption, he gratifies us with this charming portrait of Marie: "I have taken delight to publish in several places the hopes I have of Marie Le Jars de Gournay, my adopted daughter, beloved by me with more than a paternal love, and treasured up in my solitude and retirement as one of the best parts of my own being; I have no regard for anything in this world but her. If a man may presage from her youth, her soul will one day be capable of very great things, and amongst others of the perfection of that sacred friendship to which we do not read that any of her sex could ever yet arrive; the sincerity and solidity of her manners are already sufficient for it; her affection towards me is more than superabundant, and such as there is nothing more to be wished, if not that the apprehension she has of my end, from the five and fifty years I had reached when she knew me, might not so much afflict her. The judgment she made of my first essays, being a woman so young, and in this age, and alone in her own place, and the notable vehemence wherewith she loved and desired me upon the sole esteem she had of me before she ever saw my face, are things very worthy of consideration."

We cannot read this noble eulogy of Marie without a glow of affection and respect for Montaigne, and a feeling

that we have caught a glimpse of the real man, stripped of the affectations, faults, and foibles (some of them perhaps assumed from a mischievous love of mystifying and shocking his readers) which are so aggravatingly prominent in the autobiographical parts of the essays and travels. Marie was not so fortunate as to win from all the authors of her day the enthusiastic admiration and affection which her adopted father lavished upon her. It has been said that she "made the mistakes of remaining simple and virtuous, of living with a humble friend as a servant, and of having a cat. Consequently she was fit to be a butt." The fact that she "remained nothing," as they say of unmarried women in some parts of the United States, seems to have been the principal reason that she was ridiculed. But probably, had it not been for her literary work and the warfare she waged for Montaigne against his detractors, — her enthusiasm leading her, it is supposed, in spite of her poverty, to print her first folio edition of his works at her own expense, and to brave any difficulty for the sake of her dead friend, — her eccentricities, which she shared with many another poor, lonely, good old Frenchwoman, would have passed unnoticed.

Bayle tells us in his famous Dictionary that the fidelity of her cat, which was immortalized in prose by the Abbot de Morelles, would have been celebrated by poets, if this illustrious and ingenious maiden had been young and beautiful; for though not homely, her beauty was of the mind rather than of the body, and she knew many things which persons of her sex seldom know. The Abbot de Morelles, Bayle tells us, esteemed this good lady, as he calls her, highly for her upright and generous soul, and like Sorel, another of her literary friends, valued her more for her generosity, goodness, and other incomparable qualities than for her learning; visited her often

in private; and thought that those who ridiculed her had little reason to boast of their wit. Thus the kind-hearted abbot writes of her cat: "Mademoiselle de Gournay's Pillion (it was her cat), during the ten years it lived with her, would never leave her room for one night to go and ramble on the tiles or in the gutters, as other cats used to do."

Marie was so unfortunate as to have many literary quarrels beside her controversies about Montaigne. Her "blind side," Bayle tells us, was her resentment against the new generation of authors; nor was it without reason, for they took delight in continually playing her some trick or another. Her taste and style were old-fashioned and formed in the days of their grandparents, and she could not enjoy nor estimate at its true value the new school of literature, which she considered affected and effeminate. She was passionately opposed to the changes which the young writers were endeavoring to make in the French language, polishing and refining away all its strength, as she thought. The poet Ménéage further exasperated her by turning her violent opposition to new words and defense of ancient ones into ridicule. She also engaged in what was called the Anti-Cotton Controversy, in defense of the Jesuits, and brought down on herself two outrageous libels and satires, called the Anti-Gournay and the Thanks of the Butter-Women.

Many of the most learned and distinguished men of her day were her intimate friends, and wrote and spoke in her praise, both during her life and after her death. Cardinal Richelieu assisted her to publish her most splendid edition of Montaigne's works, and offered to secure her a large yearly pension in exchange for the small one already paid to her regularly by the king; but as it was offered on condition that she would keep a coach, she declined to accept it. She preferred to continue the plain and unostentatious mode of life to which she

was accustomed. One of her best friends was the Marquis de Racan. They were in the habit of meeting for the purpose of freely criticising each other's verses, and not only did not quarrel, but both took the advice given, whatever its nature, as a favor, and acted in accordance with it. A satire called *The Three Racans* celebrated their first meeting. A wit, knowing that the Demoiselle de Gournay wished to make the acquaintance of the marquis, persuaded the latter to call on her, but before the nobleman started to make his visit sent a friend, who personated Racan, to her house; this man had hardly gone before the wit presented himself, claiming that he was the marquis; and shortly after he left the angry and mystified lady, the real Racan made his appearance. Marie's enemies, the young writers, declared that her excitable temper now rose to fury, and that she drove the marquis, who thought the learned lady had suddenly gone crazy, out of the house, berating him with loud and furious words, and beating him with her slipper; but Bayle seems to think the story false and slanderous, and made up out of whole cloth, to tease her, by the wits about town.

Marie was perhaps no more fastidious in her choice of associates than other respectable women of her own day, or a Vittoria Colonna of an earlier date, who overlooked in others what they themselves avoided. She was not merely attractive to literary persons, but associated on intimate terms with many gay and fashionable people. Among her friends was the eldest son of the Duke de Nevers. The Lady de Gournay, we are told, was one of his greatest diversions; and though he was a young man of a very courtly and gallant temper, yet he would leave any other lady to converse with her, whenever he met her at his sister's or aunt's. Ladies, too, loved her well, and she was very popular with the princesses and with Madame de Longueville and the Comtesse de Soissons, whom

she often visited. Montaigne's adopted daughter justified his enthusiastic prophecies concerning her. She collected and published in one folio vol-

ume seven works by herself, in prose and verse, with the title *The Lady de Gournay's Gifts*. She died in 1645, aged eighty years.

Mary D. Steele.

THE DYING HOUSE.

SHE is dead ; her house is dying :
Round its long-deserted door,
From the hillside and the moor,
Swell the autumn breezes, sighing.
Closer to its windows press
Pine-tree boughs in mute caress ;
Wind-sown seeds in silence come,
Root, and grow, and bud, and bloom ;
Year by year, kind Nature's grace
Wraps and shields her dwelling-place.
She who loved all things that grew,
Talked with every bird that flew,
Brought each creature to her feet
With persuasive accents sweet ;
Now her voice is hushed and gone,
Yet the birds and bees keep on.

Oh, the joy, the love, the glee,
Sheltered once by that roof-tree !
Song and dance and serenade,
Joyous jest by maskers played ;
Passionate whispers on the stairs,
Hopes unspoken, voiceless prayers ;
Greetings that repressed love's theme,
Partings that renewed its dream ;
All the blisses, all the woes,
Youth's brief hour of springtime knows ;
All have died into the past.
Perish too the house at last !

Vagrant children come and go
'Neath the windows, murmuring low ;
Peering with impatient eye
For a ghostly mystery.
Some a fabled secret tell,
Others touch the soundless bell,
Then with hurrying step retreat
From the echo of their feet.
Or perchance there wander near
Guests who once held revel here :

Some live o'er again the days
 Of their love's first stolen gaze;
 Or some sad soul, looking in,
 Calls back hours of blight or sin,
 Glad if her mute life may share
 In the sheltering silence there.
 Oh! what cheeks might blanch with fears,
 Had walls tongues, as they have ears!

Silent house with close-locked doors,
 Ghosts and memories haunt thy floors!
 Not a web of circumstance
 Woven here into romance
 E'er can perish; many a thread
 Must survive when thou art dead.
 Children's children shall not know
 How their doom of joy or woe
 Was determined ere their birth,
 'Neath this roof that droops to earth,
 By some love-tie here create,
 Or hereditary hate,
 Or some glance whose bliss or strife
 Was the climax of a life,
 Though its last dumb witness falls
 With the crumbling of these walls.

T. W. Higginson.

YONE SANTO: A CHILD OF JAPAN.

XI.

TRANQUIL DAYS.

ALL things fairly considered, Yone's lot promised to be less unhappy than I, in my anxious solicitude, had apprehended. It might have been infinitely worse, though, unhappily, there was no assurance that it would not become intolerable at any time; for Japanese wives are as utterly dependent upon the will of their husbands as any slaves on earth are subservient to their masters. The ill-regulated conjugal system is a blot which has yet to be effaced from the social record of the country. The happiness, comfort, even the life and death, of

a wife may hang upon the caprice of the man to whom she has been given in wedlock.

Santo was a rough sort of animal, with even less education than the average of his order, destitute of the first rudiment of refinement, troubled with no definite ideas respecting morality, despotic in his temper, gifted with small capacity for affection, incredulous of the existence of feminine delicacy or susceptibility, and possessed of an inordinate vanity, — though upon what grounds his self-approval was based he would probably have been unable to explain. On the other hand, he was not reputed violent or brutal, nor rancorous in speech, except when vexed by opposition. He

exacted no unreasonable service from his family or other subordinates; allowed those about him a healthful measure of physical relaxation; and having no sordid or miserly love of lucre, though fond of accumulating money for the consequence it gave him, there was nothing meagre in his provision for the material wants of his household. At least my poor girl would not languish for lack of proper nourishment, nor droop under labors to which her strength was not commensurate.

Soon after the marriage an event occurred which had the effect of enabling her to secure all the possible advantages of her position. Working in his yard, upon the very boat which I had ordered from him, her husband one day dealt himself, with an adze, a heavy blow upon the foot, the result of which was to keep him on his back for a fortnight, in no little pain, but not in peril of any sort. Accidents of the kind were not uncommon, though they generally fell to the share of the inferior workmen. Santo's peevish irritability, under the smart of the wound and the inevitable spell of compulsory idleness, was at first outrageous. For a time, he would not bear the sight of Yone near him, and descanted oracularly upon the uselessness of a learned baby at a wounded man's bedside; but she presently found means of proving that her patience and gentleness, not to speak of her intelligent sensitiveness to suffering, were of greater value than the more experienced but less sympathetic qualifications of his clumsy-fingered pair of mistresses, — whom, I should mention, it had not occurred to him, any more than it would have occurred to any ordinary Japanese, to dismiss at the advent of his legitimate bride. There was a virtue, till then unknown to him, in her light and dexterous touch. The "hand of little employment" had "the daintier sense," and it was not long before it pleased the master to discard entirely the attentions of

his wonted companions, not at all to their dissatisfaction, and throw the whole duty of nursing him upon his wife.

After all, it was incomparably less exhausting than the toil to which she had been condemned by her grandparent. Santo had started upon his wedded life with an undefined purpose of "breaking in" his aristocratic spouse; of bringing her down to his own level in short order, and convincing her that the might of marital authority was to be the only recognized power in his house. But he discovered, rather to his astonishment, that he had no material to work upon. The girl was as docile from the beginning as he could have expected to make her by months of the proposed treatment. This, however, might be a trick of feminine craft, to lure him from his scheme of discipline, and beguile him into habits of indulgence. While these doubts were moving in his mind, not actively by any means, but in a heavy, drowsy fashion, he laid himself low, and gave his sluggish reason an opportunity of acting in the right direction.

The extent of Yone's influence over him was shown in his totally unexpected consent to submit the injured foot to foreign surgical treatment. Her first attempts at persuasion were pushed aside, with grunts of withering scorn and spite. But when I called, one day, professedly to inquire about my boat, she described so cleverly some of the results of my practice in similar cases — simple enough in point of fact, but marvelous, I presume, in the unaccustomed eyes of the Japanese — that he grudgingly yielded. But only as an experiment, he declared. If the foot did not improve within twenty-four hours, he should, with all courtesy and respect to me, return to his own time-honored specifics. In any case, he could not ruin himself by paying such fees as the foreign physicians always charged. I argued with him that, as the accident had happened while he was working on my account, it was my duty,

by all the settled principles of European and American justice, to cure him without any fee at all. He wagged his ugly head with an air of simious sagacity, and said that foreign morality was established on a more honorable basis than he had supposed; and Yone, believing that I told the truth, lifted her flushed face with an expression of relief such as I would willingly have purchased at the cost of a dozen fibs of the same pattern, or worse.

It was not difficult to set him on his legs with very little delay, and after his recovery he did not resume the subordinating processes which he had previously thought expedient. He manifested no gratitude for the care which had been lavished upon him; that was a matter of course, although he had not thought it was in the girl to do so well. If anybody had suggested to him that it might not be amiss to reward her with a word of acknowledgment, he would simply have stared, and grunted. But, without the slightest direct intention on his part, probably with no consciousness of deviating from his normal course, he certainly did make a new distinction between her and the two women who lived with him in a meaner capacity. Perhaps it was the outgrowth of a feeling similar to that which would be called forth by some workman's development of special skill. She had done a job better than others had done it before her. But I never looked very deeply into the matter, nor am I sure that there was anything to analyze. It was satisfactory, so far as it went.

Yone's life would have soon fallen into a dreary routine but for the privilege I had fortunately procured for her. One day in every week she was free to go forth and earn a ridiculous mite, — though her husband did not know how ridiculous it was, — by discharging nominal duties which, I am free to confess, had not much the appearance of systematic translation. For half an hour,

or it might be double that time, she would diligently turn certain passages of my lectures into Japanese, or convert a few pages of native history, science, or philosophy into English. Then she would be dismissed to take a wholesome walk, to visit friends, to idle as industriously as she might; always returning before evening to get the books required for the study with which she was for the time occupied. Of the harmlessness of these mild prevarications she allowed herself to be convinced; and, indeed, I think she fully realized that the dead weight of such an existence as that to which she was doomed would have utterly paralyzed her mind but for the relief provided for her. Every Saturday morning the gentle little woman, who ought to have been kept a child for years to come, appeared with her package of books, on the top of which was always a pretty bunch of flowers for my desk, prepared to repeat on her knees, as a Japanese may do without abasement, her grateful, tremulous formula of thanks to me for having saved her life, she thought, — her reason, she was sure. No protest, however stern; no request, however earnest; no pretense of displeasure, could ever induce her to forego that touching refrain.

While seeking for the means to make her weekly day of leisure a happy one, I lighted upon the discovery that she had resumed her friendly relations with the Philipsons. There was no room for lingering resentment in that forgiving heart. She begged me not to be offended. They had been kind to her once; they meant, in their manner, to be kind to her always. If they had not understood her, it was so easy to excuse them; and since my anger had been only on her account, would I not make her glad by excusing them, too? That, in various forms, was her constant plea. Well, well; of what use was it to tell her they were not worthy of the affection she awarded them? Her humility was

as frank and genuine as her bounteous magnanimity. It was not for me to gainsay her, nor to check the outflow of her pure goodness. And so, in her simplicity, she suffered herself to be preached at, pestered, and often saddened by these querulous and discontented old maids, who never dreamed that a light too fine for their dull vision made their sombre house radiant with love and charity whenever she visited it. The only kindred spirits there who felt, without caring to comprehend, her influence were the little children, — especially the invalids, to whom her coming brought a peace like the tranquil beauty of a fairer sphere. These were the friends who never doubted, never pained her. They clung to her when their fading power of recognition extended to no others. Once, a dying girl, whom she had sorrowfully left at nightfall, said to her nurse, —

"Yone has gone away. It is all dark without her. Please put me near the window; then the stars will shine upon me, as she does always."

XII.

THE GATHERING OF A STORM.

Arthur Milton was a pleasant, bright-faced young American, who, in the summer of 1878, came to Japan with a party of travelers of the class somewhat disrespectfully and not very wittily designated "globe-trotters," for no apparent reason, except that their route of exploration embraces the whole circuit of the earth, instead of being confined to a limited section thereof. What there is about this to justify the application of an epithet intended to be offensive, I have never been able to understand. The group of wanderers to which I refer numbered perhaps half a dozen, and included the mother and sister of Milton, both widows, and other near rela-

tions. They brought letters to me and to the Philipsons, in Tokio, and one of the methods employed to render their sojourn agreeable was to send Yone about with them on occasional raids among the silk-shops, bricabrac warehouses, and other repositories alluring to casual visitors. It was upon one of these expeditions that she met Miss Gibson, the young delegate from a United States mission, who had crossed the ocean with the Milton party, and had naturally accompanied them in some of their sight-seeing rambles.

When the period arrived for the circumambulators to proceed on their westward course, the young gentleman I have mentioned announced that he found the limitation of time they had assigned to Japan entirely inadequate. He thought that months, not weeks, should be devoted to this interesting land, and regretted that the programme had been so disproportionately laid out. While agreeing with him as to the fascinations of Japan, his friends ventured to suggest that as they had not yet become acquainted with the countries still to be examined, they were hardly in a position to judge of their attractiveness, or lack of attractiveness, as compared with what they had already seen. But he was determined to act upon his own impulses, and declared himself confident that a few weeks could be advantageously taken from China, Siam, Java, and India, and more profitably employed in adding to his stock of information regarding this delightful and romantic next-door neighbor to his own nation. He wanted to discover for himself how these people had managed to perform their tremendous leap from the Middle Ages plump into the heart of the nineteenth century, without dislocating their brains or even losing their balance; alighting, in fact, as squarely and safely on their feet as if vaulting over half a dozen centuries, and bursting through the interposing barriers of custom, tradition, and fixed

national policy, were as easy as the commonest trick of the circus. He would remain awhile, and join his companions at a further point of their course.

There was nothing remarkable in this. Nine tenths of the visitors to Japan overpass their allotted time; half of them prolong their stay for years, and not a few settle themselves virtually forever, content to accept this captivating island empire as the pleasantest haven that the world affords. I had known a score of enthusiastic New Englanders who had thus yielded to the various allurements held out to them. Arthur Milton followed the usual routine: proposing to master the language in a few weeks; projecting scientific and social investigations on the broadest scale; evolving elaborate strategetic combinations for the overthrow of insolent foreign domination and the immediate revision of the treaties; pursuing all the bright fancies which are sure to be awakened in ardent and amiable minds, when first brought in contact with the evidences of a national development unparalleled in history. He was not wholly a visionary. He was ready enough to laugh, with a friend, at his own high-flown conceptions, but not less prompt to defend them with unmistakable sincerity, if attacked by any of the narrow trading or "colonial" theorists. He really wanted to put his shoulder to the same wheel which so many have striven to lift out of the mire, and, like others before him, was resolutely convinced that nothing but a clear, vigorous statement of Japan's needs and ill-treatment was needed to make the whole Western world properly ashamed of itself, and to secure atonement for the past and justice for the future.

I took kindly to the lad. Knowing, by disagreeable experience, how little was likely to result from any enterprise that he could set on foot, I had no very deep faith that his energy would long withstand the rebuffs and disappointments which await all those who attempt

to redress the wrongs endured by Eastern nations. But he was at least for the moment sincere, and there was a glowing warmth in his tone and manner which proved that his feelings were strongly aroused, and that he was determined to speak and to be heard, while the spirit was upon him, however transitory his fervor might be. I tried to set him upon the right track, helped him to what information he needed, encouraged him by listening patiently whenever he came to lay before me this or that plan of diplomatic or revolutionary action, and abstained from expressing a single doubt as to his perseverance or lasting devotion.

Until the afternoon when Miss Philipson launched her extraordinary imputation, the idea of associating him or his doings in any particular way with Yone Santo had never occurred to me. That she had met the young man more than once, I was well aware; for I had myself been the means of attaching her to several excursions in which he, with his mother and sister, took part, and I had once conducted him to her husband's house, in order that he might deliver a friendly souvenir left for her by those ladies. I remembered, too, that he had spoken, on a later occasion, of having obtained from her some information on social subjects, of which he had been in need. But nothing of that sort could cause me the least uneasiness. If I had heard that he visited her every day in the week, it would have concerned me only to the extent of wondering whether her rough husband might not object to such intrusions upon his privacy. I knew my *protégée* too well to be disturbed by any disagreeable reflections on her account.

Nevertheless, when Milton next called upon me, I thought it not amiss to make a few inquiries.

"When did you last see Yone Santo?" I asked, as soon as our ordinary political conversation began to flag.

"Yone Santo? Let me think," he answered, hesitatingly; "when did I see her? Was it yesterday?"

I could not avoid noticing the awkward and indirect manner of his reply.

"That is what I am asking you," I said. "You probably know whether you saw her yesterday, or not. Certainly, I don't."

"Yes, to be sure," he responded, still with a suggestion of reluctance in his tone. "I think it was yesterday, — yesterday morning."

"Indeed," I remarked; "she seldom goes out, excepting of a Saturday, and the morning is a busy time at Santo's place."

"Yes," he rejoined, with greater readiness; "I was there on business. The old man is going to make me a boat."

"Oh, if you want a boat," said I, "you could not do better than go to him. He is a capital workman, though not always a model of good manners. He made my little wherry, over the way."

"Just so," returned Milton. "I heard of your giving him that job."

The words were as simple as possible, but in the accent with which they were spoken there seemed to be a shade of irony, or perhaps of derision. Whatever it might have been, the sound was strange, and did not altogether please me.

"You could have had my boat, at any time," I suggested. "It was hardly worth while to get one built, unless you mean to remain here much longer than you first intended."

"The cost is nothing," he said; "and besides, I wanted an excuse for going there as often as I liked."

"Ah, then you go there often."

"Every day, or so. He amuses me immensely, and I like to talk to the girl."

"Which girl?" I asked. "None of

Santo's servants can do much in the way of conversation, I should imagine."

"Oh, come, doctor," he answered, laughing good-humoredly, "you know whom I mean."

"Milton," said I, "when did you last hear from your traveling party?"

"Two days ago," he replied, a little surprised at the sudden change of theme.

"The mails are regular?"

"I suppose so; my people were just leaving Peking."

"Your mother was well?"

"Quite well; never better, I should judge."

"Rough travel does not disagree with your family, then?"

"Oh, no; we are a hardy lot."

"To be sure; and how was the girl?"

He looked at me inquiringly.

"The girl?" he said. "I hardly understand you."

"Oh, yes, you do," I asserted, with an air which could not well fail to give offense. "How was she?"

A red flush passed over his face.

"The only girl in the party, Dr. Charwell, is my sister, Mrs. Seaford, a widow, as you probably know. May I inquire what you mean?"

"My young friend," said I, getting up from my seat, and walking about the room, "you are annoyed at my expression. You are quite justified. I beg your pardon most earnestly. I perceive that a careless word like that might make no end of mischief. There, I entreat you over and again to excuse me. It is the luckiest thing in the world that there were no listeners."

"Why, of course, doctor, it's all right. You need not make so much of it. Say no more."

"That depends," said I.

"What depends," he asked, "and how?"

"It depends upon whether you have or have not anything to say, in your turn."

"Upon my word, doctor, I have n't an idea of what you mean."

"You shall have, Milton. Your sister, Mrs. Seaford, has the claim of every gentlewoman to be always spoken of with courtesy. The same right belongs to Yone Santo, my friend."

He stared a moment, and then broke out, excitedly, —

"What, sir! Do you mean to institute a comparison?" —

I interrupted him sharply.

"Restrain yourself. I expect you, as a simple act of justice, — or, if you like better, I will ask you as a favor to me, — to reflect upon this matter before saying what is in your mind. A moment's delay will do you no harm. I will be with you again immediately."

I left him in my office, while I went to another part of the house. When I returned, five minutes later, he was gone, greatly to my disappointment. But in less than half an hour he reappeared, looking a little abashed and confused, but smiling with the grace and frankness which were his especial charms.

"Doctor Charwell, listen to me," he began, as he crossed the threshold. "I have a speech to make, and I must not be interrupted. In the first place, you were all right, and I was all wrong, — that goes without saying. But that is not enough. The truth is, there is no snare so cunning as common custom. You fall into it without stopping to think. Now, everybody out here speaks of these people as 'Japs,' — and so have I, like the other idiots. I wonder how I should relish hearing myself called a 'Yank'! In the same way, I suppose, every Japanese woman, high or low, is a 'girl.' But this is no excuse for me. Here have I been putting myself forward for the past month as 'a defender and champion of this country and its inhabitants; and yet I can't keep my tongue from insulting them. So much for general principles. Now for particulars. In this matter of your friend, I was doubly

to blame. I was going to say, when you stopped me, that I could n't stand any comparison being made between my sister and a Japanese. Now, however, I see that if we are bound to be more stringent in one case than in the other, it should be when Japanese ladies are alluded to. For they, unless a good fellow like you happens to be at hand, have nobody to stand up for them. It's cowardly, as well as mean, to slight them by carelessness of speech. If anybody puts an affront upon one of our women, — well, my sister, for example, — it is n't necessary that I should be there; a dozen hands will be ready to set the matter right. You may bet as heavily as you like, doctor, that you will never hear me talk about a Japanese 'girl' again; that is, in any sense that could possibly be unpleasant."

I let him run his course, because, as I have said, I liked the young fellow, and was glad to hear how he had reasoned the matter to a fair conclusion. But it was evident that he supposed my reproof to have been tendered on what he called "general principles," and did not understand the nature and extent of my interest in Yone; with which, indeed, nothing had yet occurred to acquaint him. I deemed it better, while the subject was fresh in our thoughts, to let him know that I looked upon myself in a measure as her guardian; and that I had deeper reason for sensitiveness with respect to her than with the majority of Japanese young women.

"And so you find it agreeable to visit the Santos' place?" said I, tentatively.

"Indeed I do," he promptly answered. "That clever little lady can tell me more in ten minutes, about the topics which I am looking into, than I can draw from a professed expert in a day. And I suppose there is no harm in saying it is a deal pleasanter to get information from such a charming source than from a set of old humbugs who have no sympathy with my investiga-

tions, and who, I believe, have to hunt up one day what they communicate to me the next."

"And what has Santo to say to your making yourself at home there? He has not the reputation of being amiable to strangers."

"He does n't seem to object; and the boat furnishes a sufficient excuse for frequent calls, as you know very well yourself."

"Milton," I said, "let us have a clearer understanding of this business. I may make a mistake, but I think you have twice put on a satirical tone in referring to my motive in getting a boat from Santo. Now I tell you frankly that I had a motive which did not appear on the surface" —

"Precisely," interrupted he, pertly.

"My dear fellow," said I, "this is no contest of wit. I have no spirit for anything of that kind. I throw myself on your good feeling, in which I have great faith, and beg you to believe that I am serious, deeply serious, in all I have to say upon this matter. Now, being forewarned, you will not wound me, I am sure. I did order the boat for a special purpose, — before Yone's wedding, you will kindly understand. I knew the marriage was inevitable, and I desired to gather some direct knowledge of the man upon whose character and habits her future comfort must largely depend. And now I shall tell you why."

I then related, as succinctly as I could, the course of Yone's joyless life, bringing the history no nearer, however, than the date when the marriage was forced upon her, and suppressing all mention of my futile attempt to arrange the difficulty by adopting the child.

I had no reason to complain of an inattentive listener. He was, indeed, more moved than I had expected, but there was something superficial in his declarations of sympathy, and many of his observations caused me to think he regarded the whole business as a drama of un-

doubted pathos, yet one in which he was not wholly disinclined to enact some part. For the moment, however, I had no choice but to trust to his higher instincts; and I closed the subject by saying that while I could not suppose he would share my feelings, I did rely upon him to abstain from doing anything that might add to the young girl's troubles. This seemed to surprise him, but with no other response than a warm though vague assurance of discreet behavior, he hastily took leave.

XIII.

THE COIL OF THE SERPENT.

Through the remainder of the day, a restless spirit possessed me, and in the evening I sought the never-failing recreation of a sail upon the Sumida. I started with no definite object, but the wind carried me up the stream past the islands, and beyond the thick mazes of streets and canals which stretch for miles along the river-banks. Presently I found myself opposite the boat-builder's domicile, in which a light was still shining, although the hour was late, as hours are counted among the Japanese. Dropping my sail, I drifted shoreward, not precisely conscious of anxiety, but desirous rather to assure myself that no ground for anxiety existed. The night was still and sultry; but as I drew near Santo's little pier, the voice of Milton, talking carelessly and cheerfully, sent a sharp chill through me. As I passed the extremity of the tiny garden, making no sign of recognition, I was evidently mistaken for a visitor to Nakamura-ya, the adjoining popular "tea-house," and no attention was paid to my movements. Should I openly proclaim my presence? The conventional theories as to the ignominy of eavesdropping rushed through my mind, and vanished straightway, leaving no indelible

impression. What? fetter myself with chivalrous fancies and affectations, when the promise given me a few hours earlier had been thus shamelessly broken? Not quite so childish. Since accident had brought me to the situation, I felt no more compunction in discovering what mischief might be afoot than any man would feel in using all means of rescuing an unwitting prey from a venomous spake.

It was not long, nevertheless, before the step which I thus hastily decided upon taking proved to be a most unwise one, at least in so far as its effect upon myself was concerned. It brought me a half hour of torment such as I never thought I could be called to undergo. But I gave no heed, in my impulsive determination, to any consequences excepting those upon which Yone's safety seemed to depend. A fence, projecting into the river, separated Santo's premises from the tea-house grounds, and I drew my boat close to its farther side, within the broad shadow which it cast upon the surface of the water. This was the only spot not brilliantly lighted by the moon, and the concealment was doubly desirable, for the reason that the favorite place of resort was filled with guests, whose loud speech revealed that some of them were foreigners. I had certainly no wish to be observed, even by strangers, under the peculiar circumstances, and I held myself close to the convenient barrier, invisible to all, but able to discern everything around me. Through the apertures of the roughly laid boards I saw Yone and her untimely visitor, sitting upon a bench near the shore. At a little distance, a dim figure was perceptible, partly outstretched upon the ground, and partly propped against a tree. This, I assumed, was Santo; and although his silence indicated that he was probably asleep, his mere presence afforded me an unspeakable satisfaction.

The conversation, which had been in-

terrupted by my approach, was soon resumed.

"How lovely the night is!" said Milton. "Sometimes I think there are no moonlights like these in your country."

"Many persons say so, and I am glad to believe it," was the answer, in Yone's tranquil and tender accents.

"It is like fairyland," he said. "*In such a night as this*," —

He left the quotation unfinished, and after a little hesitation Yone added, timidly, "*When the sweet wind*" —

"Why," interrupted Milton, in surprise, "do you know those lines?"

"I know them well," she replied; "once I tried to translate them. They are like music, and if I close my eyes I can see wonderful things, when I repeat them. It is strange that such language should come from deceitful mouths."

"Deceitful! What do you mean?"

"Their words were beautiful, but faithfulness was not in their hearts."

"Poor Jessica! I won't attempt to defend Lorenzo, but pretty Jessica, — she could n't help herself, you know."

"She deserted her father."

"Oh, that is your way of looking at it. So you don't like Jessica?"

"Her father trusted her, and she betrayed him. It is not possible to like a woman who would do that. But what she said was like a charm."

"Would you not be glad to see the places they spoke of?"

"Have you seen them?"

"I have been near them, at any rate. Have you never thought of going to find them?"

"I did, once; it was only for a few days."

"Why should you not think of it again? I wish we could search for those enchanted regions together. Will you go with me, Yone?"

"You are very merry, Mr. Milton. I must be contented with my own little country."

There was not much in this to make me uneasy, but I already began to regret that I had not broken in upon them at the moment of my arrival, and put an end to the dialogue. Still, for Yone's sake, I would stay and learn a little more.

"Do not speak so sadly; we all have our troubles," said Milton, in a tone which conveyed but a slight conception of what trouble meant, — "all of us, young and old."

"You do not understand me," she answered. "I am not sad. My troubles are gone. I have one best friend who has taken them away. I have no wish to think of them, now."

"Who is that friend, Yone?"

"You know him. The good Dr. Charwell."

"Oh, yes, I know him. He is an excellent fellow, but I did not think he was so powerful. What, can he remove everybody's troubles, then?"

"He has cured mine."

"What, all?"

"If I had any, I would go to him, and then I should suffer no more."

"You have great confidence in him!" exclaimed Milton, somewhat pettishly. "And so, if you should ever be weary of this hard life and dull home of yours, I suppose you would look to him for relief."

It needed strong resolution to keep me quiet at this point, for I was persuaded that the young man had a more vicious purpose than was disclosed in his words. But I kept myself under control, confident that Yone's unsuspecting simplicity would be the most effective foil to his projects.

"My life is not hard, Mr. Milton, and my home is not dull. Dr. Charwell knows that; and truly, it is his good friendship that helps me to enjoy so much. Oh, no, my life is very easy now, and my husband is very kind. When my neighbors are ill, he lets me go to them freely, and I think by and

by he will permit me to have a little school, all for myself."

"Wonderful privileges, Yone!"

"That is true, although you do not seem to speak in earnest. Not many wives in my country are allowed so much. It is different, I know, in yours."

"Yes, you may well say that. In Boston, now, we would find better work for these pretty hands than nursing the pauper neighborhood, and teaching the young rabble hereabout."

"Better work? I do not think Dr. Charwell would say so."

"Dr. Charwell, indeed! My dear Yone, I don't believe he knows whether these little hands are coarse or delicate, rough or smooth; still less what they are fit for."

Yone laughed.

"Do you think rough hands are a misfortune?" she asked.

"A great misfortune for a girl like you."

"Well, then, there is *one* trouble which the doctor did remove. They were rough indeed, a year ago. But I do not call that a trouble. That is nothing. I think of the sore places in my heart that he has known how to heal. Nobody else could do that."

He made no immediate answer, but a moment later I heard him say, in a much lower tone, —

"Yes, they are smooth now, and soft as down, — this one, at least. Is the other like it? Let me see."

My patience was exhausted. Reaching for an oar, I prepared to push the boat around the intervening wood-work, and put an end to the knavish work; but before I could move from my position, a throng of merry-makers issued from the tea-house, and ran noisily down a pathway toward the river-side. To my consternation, I saw that it was composed of residents in the foreign district of Tokio, to all of whom both Yone and I were well known, while most of them had heard of Milton, if they had not

met him. I could not venture upon a movement which would expose me to their view, and inevitably direct their attention to the occupants of the neighboring garden. If they should get a glimpse of the scene, their tongues would be wagging, the next day, all over the settlement. Though in a fever of indignation, I was compelled to govern myself, and to continue silent while the colloquy proceeded.

"Surely my hands are both alike," said Yone; "but it is not comfortable for me when you hold them."

"Only one, then, Yone."

"No, Mr. Milton, there is no meaning in it."

"You are very severe with me, but I suppose that is the privilege of beauty here, as in other lands."

"You do forget that it is not pleasant for me to hear you speak in that way. I have asked you not to do it, many times before."

"I forget nothing that you say to me, but it is hard if I may not tell you what I think. You know it is the truth."

"That I do not know. Indeed, we do not give so many thoughts as foreigners to what our appearance is like. It does not seem to me that this can be the truth. I am sorry to be rude, but I am sure it is not true. You are making a jest of me, Mr. Milton."

"Every word I utter is earnest and sincere. I never thought you would doubt that."

"Then I shall beg you, as a favor, not to repeat these things."

"I will only insist, then, that you are severe. I wonder if you are as severe with everybody. I dare say Dr. Charwell might tell you you are a beauty, without offense."

"Dr. Charwell may say anything."

"And why not I, Yone?"

She made no reply. I was exasperated at the inaction which the delay of the pleasure-party imposed upon me, and waited only for their departure to

leap on shore and drag the young scamp away. But now I could not even stir, much less call out, they were so near.

"Tell me, my little girl, why not?" repeated Milton, more urgently.

"I cannot tell you," she returned, in a somewhat changed voice. "Indeed, I do not know. I am very ignorant of many things."

"Among others, I may mention my first name. You evidently do not know that."

"Oh, yes, I know it."

"Then why do you not use it? I call you 'Yone;' you should call me 'Arthur.'"

"You know that is impossible."

"Why, you will do nothing to please me. I would do anything for you."

"Ah, you are a learned gentleman; you know what is right, and will not make mistakes. There is nothing strange if you call me 'Yone.' Women, with us, are never known by their family names. Those belong to Japanese men, only. But among foreigners — No, no, Mr. Milton, I have studied a little. Your young ladies do not speak so familiarly to gentlemen, unless they are relations, or at least very intimate friends."

"Very well, let us be intimate friends."

"Now you are jesting again."

"Listen, Yone: do you call Dr. Charwell by his first name?"

"I do not."

"Not even when you are alone with him?"

"Why, no, indeed; how can any difference be?"

"Ah, you think there cannot 'any difference be.' But if he should ask you?"

"Ah, then — if he told me, I should do it."

"You are submissive enough to him, I see."

"I should know it would be right."

"And your — your husband?"

"Well?"

"You call him by his first — that is, his second name?"¹

"Oh, no!"

"What, not your husband?"

"No, never!"

"How singular! But — you will excuse all my questions, Yone; you know I am trying to learn a great deal about the Japanese customs in a short time. Let me ask you if all the wives are so respected in speaking to their husbands."

"That is better. I mean it is much easier to answer about all in general — everybody in Japan — than when you question me about myself. Well, it is different in different houses. When the persons are both young, I suppose they use what with your countrymen is the first name; or, in any case, after they have long been married, they probably use it. I do not know very well about these things, myself. I have lived much alone. Others could explain it more exactly."

"But you know enough to decide how to address your husband."

"That is very simple. A young wife must not be too — must not 'take liberties,' I think you say, with a husband much older than herself. I show the respect which I owe by speaking only his family name. That is more suitable to him, and more" —

"More agreeable to you, no doubt," said Milton, as she suddenly paused.

"It is proper that it should be so," she answered; "and now, shall we not talk of something else?"

"One moment, Yone; only a moment more. This is curious. It seems there is a choice in your mind between your husband and the worthy doctor. You would willingly call Charwell by the friendlier name, but it is not agreeable to do the same by your husband."

"You confuse me, Mr. Milton. It is

easy for you to do that. I have told you that I am not clever. I cannot answer any of your questions now, but you have given me many things to ask Dr. Charwell about."

"Dr. Charwell forever! I declare, Yone, I believe you are in love with the man."

"That, indeed, I am," she answered, composedly. "I always have been, since I was a little girl. But you are laughing at me. Why do you laugh? Do you make sport of me with strange phrases? Oh, that is very unfair," and she lightly laughed, herself. "I never heard that phrase before. But I will always tell you I love Dr. Charwell. I cannot love him too much."

"Indeed! And what does your husband say to that?"

"Why, nothing; what should he say?"

"He is aware of it?"

"Of course he is. Everybody who knows Yamada Yone," she added, with an unusual ring in her clear tones, "surely knows that. Her life would be all dreariness and gloom but for the goodness of that one friend, and her heart must be false and base before she forgets the love that belongs to him. Are you *trying*, Mr. Milton, to speak in a way which I do not understand?"

The revelers had by this time entered their boats, but they were in no haste to depart, and while they lingered I was chained to my dark corner, though the detention tortured me. Santo's heavy breathing reminded me of his presence, which was in some sense a relief, and assisted me to hold myself in check.

Milton's next words were in a more subdued and humble strain: —

"Forgive me, Yone; I would not vex you for the world. It is right that you should cling to your old friend, and I honor your fidelity. But I can't help feeling envious, — just a little; that is natural, you know. Do not think ill of me. Give me your hand before I go."

¹ In Japan, as most readers are probably aware, the name of the family precedes the distinguishing name of each member thereof.

"You have had my hand, already."

"If you deny me, I shall know you are displeased. Why, what is it, to clasp hands? With us it means only a greeting or a farewell, but to refuse is a mark of real dislike."

"You shall not suppose that, — no, indeed. And I do not believe you would mislead me. It would be very easy, but not — not very brave. You shall take my hand, and I will trust you, for I have heard that you are good to all the people of my country."

"Thank you, Yone; I" — His voice faltered, and I hoped his treacherous soul was shaken by this evidence of her frank and confiding innocence.

"Your hand trembles," she said; "are you not well?"

"Yes, yes, I am quite well. Don't move; keep as you are, — one second, only."

Once more there was a pause; and when Yone spoke again, it was with a sternness so strangely at variance with her usual placidity as to make it manifest that she had cause for deep resentment.

"You have done a foolish thing, Mr. Milton, — foolish and wrong. It is to your shame. You would never have done it if we were not alone and in the dark. Yet I am glad there is no one to see. I do not wish it known that any man could treat me with scorn. Now I shall arouse my husband, and you will go."

I felt as if the blood would burst from my veins, and nothing but the overwhelming certainty of the malignant scandal that would follow an exposure could have stayed my hand an instant. Why had I yielded to the mad impulse that tempted me to wait and prove the villainy with which my poor child was to be assailed? But the loiterers were starting at last; a minute more, and I should be free.

"Yone, you hurt me terribly," said Milton, with intense vehemence, though

speaking scarcely above a whisper. "I will go, if I must, but I pray you to hear one last word. There was no scorn in what I did. It is an act of reverence; I swear it is. A man of honor may put his lips to an empress's hand. It is the token of his loyalty and devotion. I am telling you what every American and European knows to be the truth. Ask whom you like. Ask Dr. Charwell."

"It is not needful. No one shall teach me falsehoods, Mr. Milton. There was no reverence in what you did. I know that I am not an empress. I do not know that you are a man of honor."

"If you could see all that is in my heart, you would not hate me, Yone."

"I do not hate you. You have no right to say it."

"Then listen to me; you shall listen; I will not go until I have told you the whole. Don't be afraid; I would not harm you to save my life a thousand times over. But I must be heard."

"I am not at all afraid; that is not my feeling. But now I am very sure that you are ill."

"By Heaven, I *am* ill, and no living being but you can help me! Don't you see, Yone? Can't you pity me?"

"I can pity, but it is folly to say that I can help you. I wish Dr. Charwell were here."

The tea-house boats shot from the shore in a body, their occupants shouting and singing gayly, as they swept down the stream. My time had come.

"He is here!" I cried, swinging myself around the partition, and bursting through the network of willows which fringed the low bank.

XIV.

SHORT AND SHARP.

Yone sprang up from the bench on which she had been sitting, and came

hastily to the water's edge. Milton also rose, and advanced less rapidly. Santo, startled from his drowsy torpor, lifted himself with a series of jerks, and stood by the tree which had supported him.

"I was wishing for you," said Yone. "Mr. Milton is not — not himself, I think you say."

"I have come for him," I answered; "he is not fit to be here. Your hand, Milton."

He gave it mechanically, half unconscious of what he was doing; and before another word was spoken, he had taken an involuntary header into my boat, where he lay crouched and tangled among the thwarts, in most unheroic guise.

"Oh, be careful," said Yone; "I am sure that is dangerous."

"No danger now," I replied; "he is in my charge."

"But I fear he is ill," she persisted. "I pray you to take heed."

"I shall do what is necessary," I said, curtly; "have no concern." Then, changing my speech to French, in order to be understood by my captive alone, and struggling masterfully to deliver myself with apparent lightness and ease, I added, "You will go with me without opening your mouth to these people, or I will drag you back to the shore, send Yone away, and not only repeat every word you have spoken, but also explain your damnable meaning, from beginning to end, to old Santo. Choose, quickly."

"I'll go," he muttered; "but let loose my wrist, unless you mean to break it with your infernal surgical sleight of hand."

In fact, I had a grip of iron, in those days, and an athletic skill which I seldom knowingly used. Releasing Milton, I remarked to Santo, who still stood on the bank, dreamily wondering, that my countryman had broken an engagement with me, and compelled me to look sharply after him. I asked him to toss me

Milton's hat, made rapid excuses for our abrupt departure, and with the least possible delay began pulling vigorously down the stream, wholly regardless of the conclusions that might be drawn from my behavior.

Under the shadow of the O-hashî (Great Bridge), I rested on my oars. Milton had picked himself together, and sat motionless in the stern.

"Now, sir," I began, "I will hear whatever you have to say."

"I have nothing to say, that I know of," he answered, sullenly.

"That will not do," said I; "several things must be said and settled between us, this night."

"I'll say, then, for one thing," he responded, "that you are not to imagine you frighten me by any of this fantastic performance. I was taken by surprise when you appeared, and I submitted in order to spare Yone."

"To spare her!" I retorted. "Ay, that was obvious. You had been sparing her, all along."

"Oh, I see; a listener!" he scoffed.

"Yes, sir," said I, "a listener, — just that; and never likely to be better contented with myself than when listening under such conditions and with such a purpose in view. So none of that cheap sarcasm, if you please."

"I don't know what you may have heard, but" —

"It does not matter," I interposed. "I had a surfeit long before I could get at you."

"You saw that Santo was there," he observed, after a short silence.

"Yes; and I saw the intelligent part he took in the proceedings. I have no high opinion of Japanese husbands generally, and no especial admiration for Santo as a particular specimen; but I can tell you he would have pounded your skull to splinters with the rudder of your own decoy yacht, if he had suspected your infamous devices, — if you had not barred his comprehension by

your despicable use of a language he does not understand. Nor my poor hunted child, neither," I added, presently. "Her honest studies, thank God, have taught her none of the meaning of such foulness as you have tried to poison her with to-night. Poor girl, poor girl! To think that her first revelation of deceit and treachery should reach her through me, after all!"

I broke off with a gasp of pain and fury, and again betook myself to driving the boat madly through the water. Regaining some part of my self-possession, I waited a second time, under the lower bridge, and resumed the dialogue in a less excited key, if not in milder words.

"There is no reason in wasting our breath, Mr. Milton; you have broken faith with me, and I shall be extremely short in my measures with you. Within this week, that is to say by the next steamer which goes westward, you will leave Japan. Or, you may take your choice as to direction, but here you shall not stay."

"A likely matter!" he replied, jeeringly.

"A certain matter," I responded, with emphasis. "In token of which, I will go with you to-morrow to Yokohama, while you engage your passage."

"And if" —

"And if you refuse, I will not only disgrace you (for I begin to doubt your sensitiveness to that sort of treatment), but I will beat you as such a cowardly cur should be beaten; not one day, but every day, and in the public streets, until you go elsewhere to heal your broken bones. Oh, yes, sir; and all who see shall know for what villainy you are punished."

"This is very lively language," said Milton, speaking in a manner curiously at variance with his usual buoyancy and heartiness; "but it will do no harm to you or your object if you listen to me for a moment. As to your threats, if I know myself at all, they do not move

me one particle. I don't know whether you have the power to execute them, to begin with" —

"Stop, sir," I interjected; "you are perfectly aware that I am incapable of a vain boast on a theme like this. It is true that I am speaking in great exasperation, and at a later hour I may see cause to modify my plans with regard to you; but there is no more doubt in *your* mind than in *mine* that I can accomplish all I choose to warn you of."

"Well, it does n't strike me as formidable. If I really feel myself in bodily peril," he pursued, with a sneer, "I dare say I can provide myself with some contrivance to keep you at a reasonable distance."

"Since you show your hand so plainly," I rejoined, "I will use my present opportunity. I shall take you straightway to my house, and keep watch over you, as I would over any other vicious and cunning wild beast, until to-morrow. Then the order for your passage shall go to Yokohama by telegraph. This programme is quite as easy as the other, — perhaps easier."

"You had better hear me to the end," he answered. "I don't propose to go to your house to-night, and you will not get me there unless you have some clever device for killing me first. What I do propose is this. I will — I will — well, I have undoubtedly broken the pledge I gave you this day, and what I feel about that you are not likely ever to know." His voice fell gloomily, and for a moment he was silent. After a brief pause he continued: "We will drop promises, then. My statement is that I shall voluntarily be at your house to-morrow morning at eight o'clock, or earlier, if you choose. This subject can then be taken up again, on any basis that suits you. To that I consent, and to nothing else. That is all I have to say, and all I undertake to perform, for the present."

A hundred feverish thoughts raced

through my brain, as I propelled the boat toward Tsukiji, the foreign district of Tokio, at more moderate speed than before. I was not wholly unconscious of the wildness of my recent speech, nor of the violence of my menaces. But I was, nevertheless, at the moment, as ready to carry them through as I was unquestionably able, so far as physical strength was concerned. It was an accident, to which I had never given much consideration, that I possessed far more than the average muscular force; and in my bitter rage against this smooth-faced rogue, it seemed as if it had been given me only to bruise and maim, or perhaps to crush him out of existence, if he ventured to resist the orders I should lay upon him. As the moments flew by, however, other considerations began to fill my mind. The fierce desire for an immediate revenge gradually gave way to more prudent reflections as to what was most important for Yone's welfare. Was it my part to create or to magnify a new and cruel scandal? This was precisely what I had striven to avoid, by keeping myself from observation by the party at Nakamura-ya. Rapidly adjust-

ing these views, I adopted, not without misgiving at the time, what I am now well assured was the wiser conclusion. By acceding to Milton's proposal, I should run no risk of his escaping me. I could keep as strict a guard upon him, for my purpose, in his own house as in my own. As we drew near the landing-steps, I said:—

"Very well, Mr. Milton, I agree to your suggestion. I shall expect you not later than eight, to-morrow."

But it appeared that his ideas had also undergone a change, for he answered, as he stepped ashore,—

"I shall be there, Dr. Charwell, unless, indeed, you prefer a more prompt discussion. I see an advantage in that, which did not occur to me when you spoke before. It is not late. If you are as little inclined to sleep as I am, and are disposed to give an hour, at once, to the matter in hand, I will go with you, and let you hear my determination, as it now shapes itself before me."

I was surprised, but by no means dissatisfied. Signifying my assent, I led the way to my quarters, a few paces distant.

E. H. House.

THE MARRIAGE CELEBRATION IN THE COLONIES.

THE rise of Independency in England, its relation and its consequences to Episcopacy, as well as the revolution which it involved in the celebration of marriage, were set forth in the preceding number of *The Atlantic*. This great religious reform, culminating in the seventeenth century, obtained in England but a short public triumph against the absolutism firmly seated in the Church and the State. Its main effect there was to spread in society influences that worked toward the future development of toleration in religion and of

democracy in politics. But in the new England, free from counteracting forces, this reform became the immediate, open, and controlling power in establishing society. Hence the civil celebration of marriage which it involved, and which in England obtained under Cromwell, in the time of Puritan supremacy, but a short legal existence and recognition, and then entirely disappeared, was from the first firmly established in America, and has here continued to exist to this day.

From Holland a body of English

refugees brought Independency to New England in 1620. Also from England came successive expeditions, with which were many non-conformists, including ministers episcopally ordained. But, once in America, only slight religious differences were found between the non-conformist of Massachusetts Bay and the Pilgrim of Plymouth. The colonists of Massachusetts and of Plymouth, as well as those of New Haven and of Connecticut, were all alike fleeing from the errors and the corruption of Episcopacy; and Independent principles prevailed in the founding of Church and of State. This community of religious belief and practice, as well as the political union between the colonies against common enemies, aided in assimilating their laws and their customs. As Palfrey says, "Their several codes bear witness to a substantial uniformity in the social system which grew up among them." At the foundation of that system was a deep appreciation of the dignity of the family and of the necessity of strict marriage laws. As stated in the Connecticut Code of Law, it was believed that "the p^rs^pity and well being of Commonwealths doth much depend vpon the well gouernment and ordering of p^rticular Families, w^{ch} in an ordinary way cannot be expected where the rules of God are neglected in laying the foundation of a family state."

But in interpreting "the rules of God" through the medium of their religious belief, these colonists were led to forsake all precedent, and to institute a form of marriage celebration unique in modern times. Its chief feature was that a marriage, to be valid, must be celebrated before a civil magistrate. "I suppose," says Hutchinson, "there had been no instance of a marriage, lawfully celebrated, by a layman in England, when they left it. I believe there was no instance of marriage by a clergyman after they arrived, during their charter; but it was always done by a magistrate, or by persons

specially appointed for that purpose, who were confined to particular towns or districts." "We do not wish to introduce here," said Winthrop, "the English custom of solemnities at a marriage. If any minister is present, he might bestow an exhortation; but we adhere to the strict Protestant principle that marriage is purely a civil right."

At first, the solemnization by the magistrate, to the exclusion of the minister, was sustained only by public opinion, not by positive law. The reason was stated by Winthrop in 1636: "To make a law that marriage should not be solemnized by ministers is repugnant to the laws of England; but to bring it a custom by practice for the magistrate to perform it is by no law made repugnant." It was not until 1646, when the custom had long existed and their brethren in England were gaining political power, that the colonists of Massachusetts Bay dared to make it a law. It was then enacted that "as the ordinance of marriage is honorable amongst all, so should it be accordingly solemnized . . . no person whatsoever in this jurisdiction shall join any persons together in marriage, but the magistrate, or such other as the General Court or Court of Assistants shall authorize in such place where no magistrate is near. Nor shall any join themselves in marriage, but before some magistrate or person authorized as aforesaid." Two years later, the New Haven Colony Laws ordered "that no man unless he be a Magistrate in this Jurisdiction, or expressly allowed by the General Court, shall marry any persons, and that in a publick place." In the colony of Rhode Island and Providence Plantations, according to a law of 1647, every marriage, to be lawful, had to be "confirmed before the head officer of the Towne." And the colony of Connecticut recognized a similar principle in the "Code of Law established by the General Court in 1650."

Of course, upon the passage of Crom-

well's Act in 1653, establishing in England the civil celebration of marriage, these colonial statutes ceased to be "repugnant to the laws of England." But as the English statute was soon repealed, the same objection revived, and these laws were singled out as obnoxious by the king. Indeed, in 1682, Randolph, the king's agent, advised that all marriages should be declared void "but such as are made by the minister, of the Church of England." Nevertheless, the General Court resolved to make no change in the law, and none was made.

But the colonists had denied to ministers the power of celebrating marriage, not so much from religious convictions as from their recollection of priestly oppression, and their fear of its recurrence in their midst under a new form; and as the recollection grew dim, the fear ceased. Accordingly, toward the close of the seventeenth century, there began a reaction throughout New England toward a renewal of religious associations in the nuptial ceremony. Thus the General Court of Connecticut enacted, in 1694, that "this court *doe* for the satisfaction of such as are conscientiously desirous to be married by the ministers of their plantations, *doe* grant the ordained ministers of the severall plantations in the Colony liberty to joyne in marriage;" and in Massachusetts, a provincial statute of 1692-3 provided that "every justice of the peace within the county where he resides, and every settled minister in any town, shall and are hereby respectively empowered and authorized to solemnize marriages." This innovation was adopted in the rest of New England, and gradually replaced the former custom. Hutchinson, writing about sixty years later, says: "At this day marriages are solemnized by the clergy; and although the law admits of its being done by a justice of the peace, yet not one in many hundreds is performed by them."

There is evidence that prior to 1692,

to constitute marriage, there was required, besides the presence of the magistrate, the publication of intentions of marriage, if not also the consent of the legal guardians of the parties to be married; that, in other words, a celebration before a magistrate did not in law create the marriage state unless preceded by such publication and consent. To this effect the law of 1647, in the colony of Rhode Island and Providence Plantations, is very strong: "No contract or agreement between a Man and a Woman to owne each other as Man and Wife, shall be owned from henceforth throw-out the Whole Colonie as a lawful marriage . . . but such as are in the first place, with the parents, then orderly published in two severall meetings of the Townsmen." Nearly as strong are the words of the New Haven Colony Laws: "No person shall be either contracted or joynd in Marriage before the intention of the parties proceeding therein, hath been three times published, at some time of publick Lecture, or Town meeting in the Town, or Towns where the parties, or either of them dwell, or do ordinarily reside; or be set up in writing upon some post of the meeting house door . . . by the space of fourteen daies." So in the Massachusetts statute of 1646: "Nor shall any magistrate, or other person authorized as aforesaid, join any persons in marriage, or suffer them to join together in marriage in their presence, before the parties to be married have been published according to law."

At any rate, with the coming of the provincial charter the strictness of the colonial period was relaxed. To be sure, the statute of 1695 made the provisions for publication and consent more specific. No magistrate or minister was allowed to celebrate "marriage without Certificate produced under the Hand of the Clerk of the several Towns where the parties respectively dwell, that the Names and Intentions of the said Par-

ties have been entered with him fifteen Days before Hand ; and that due Publication . . . has been made . . . Nor without evident Signification that the Parents of such Persons, or others whose immediate Care or Government they are under, are knowing of, and consenting to such Marriage." But the penalty for infringement of this law was not nullity of the marriage, but a fine of fifty pounds upon the minister or magistrate concerned. This was substantially the law in Massachusetts till 1787 ; and Chief Justice Parsons ruled, in interpreting it, that "when a justice or minister shall solemnize a marriage, . . . although without publication of the banns of marriage and without the consent of the parents or guardians, such marriage would be unquestionably lawful, although the officer would incur a penalty of fifty pounds for a breach of his duty." The example of Massachusetts was followed by the rest of New England. More definite provisions were made for the publication of banns, and for the consent of parents or guardians ; but a fine was made the sole penalty of their infringement. The same could be said of the registration of marriage, provision for which was early made throughout New England.

But in most, if not in all, of New England, the interposition of a minister or magistrate continued to be indispensable in law to constitute the marriage state. The Massachusetts Act of 1695, above mentioned, provided that "no Person other than a Justice of the Peace, and that within his own county only, or ordained minister, and that only in the Town where he is settled in the Work of the Ministry, shall or may presume to join any Persons together in Marriage." This statute continued in force till 1786, and Chief Justice Parsons said of it : "The statute would be substantially conformed to, if the parties were to make the mutual engagement in the presence of the justice or minister, with his as-

sent, he undertaking to act on that occasion in his official character. But without such assent and undertaking . . . the marriage, I am well satisfied, will not be solemnized pursuant to, nor be a lawful marriage within, the statute." As regards Connecticut, Swift's System of Laws, published in 1795, after reciting that only ministers and magistrates are empowered to solemnize marriage, states : "An erroneous opinion has prevailed that any person not a minister or justice of the peace may join persons in marriage, but this opinion is clearly against law." Hence, during the eighteenth century, at least, by the prevailing law of New England the state of matrimony could not be constituted without the intervention of a minister of the gospel, or of a civil magistrate.

In the Southern colonies, also, the early marriage laws were equally strict, although they grew out of a state of society very different from that of New England. The first settlers of Virginia were described by Captain John Smith, one of their number, as "poor gentlemen, tradesmen, servingmen, and libertines." Certain it is that the best of them were adventurers in quest of gold, and most of them were reckless characters just returned from the Spanish wars. Unlike the Pilgrims, they were not troubled by questions of conscience, nor were they reluctantly leaving their country for the sake of religious freedom. Yet some of them were good Churchmen, and their charter provided for the establishment of the English Church. They brought with them an Episcopal clergyman, and Episcopacy was early established and constantly fostered. Of course the celebration of marriage according to that ritual was, as far as practicable, adopted in Virginia. As in England, the presence of a clergyman episcopally ordained was indispensable. A colonial law of 1661-2 provided "that noe marriage be solemnized nor reputed valid



in law but such as is made by the ministers according to the laws of England." Indeed, for nearly two hundred years after Virginia was settled, neither layman nor dissenting minister could legally celebrate marriage. Society in the colony was a reproduction on a small scale of that in the mother country; and persecution of papists and of dissenters in the latter was imitated in the former. The Established Church had the unqualified and constant support of the Virginian aristocracy; and in 1699, according to Lodge, "three or four Presbyterian meeting-houses and a Quaker conventicle were the only places of worship outside the pale of the Church." But soon thereafter the number of dissenters rapidly increased, and at the beginning of the Revolution they seem to have composed half of the population. In consequence, the intolerant spirit declined, the Establishment lost ground, and in the struggle for independence it was overthrown.

Corresponding to this revolution in the State and the Church, there was an important development in the celebration of marriage. Presuming upon the spread of tolerance, already dissenting ministers had joined persons in marriage; and in 1780 and 1784, acts were passed confirming such unions, and providing that it should be "lawful for any ordained minister of the gospel . . . to celebrate the rites of matrimony according to the forms and customs of the church to which he belongs . . . provided such minister produces credentials of ordination, and of his being in regular communion with the Christian society of which he is reputed a member, to the county court of the county or borough where he resides, shall take the oath of allegiance to this commonwealth, and give bond with two or more sureties in the sum of five hundred pounds for the true and legal performance of his trust."

But even then the number of ministers

in the remote sections of Virginia was so small that there arose at once the necessity of the next step in the development of the law, namely, the giving to laymen the power to celebrate marriage. By the Act of 1783, the courts in the remote counties were "empowered to nominate as many sober and discreet laymen as will supply the deficiency; and each of the persons so nominated, upon taking the oath of allegiance to this State, shall receive a license to celebrate the rites of matrimony according to the forms and customs of the church of which he is reputed a member . . . within the said county." In 1794, and repeatedly till 1806, this provision was extended to other counties, the further requirement being made that each layman thus nominated should give bond in the sum of fifteen hundred dollars for the faithful performance of his trust. Thus, toward the close of the eighteenth century, Virginia reached a point in the development of our subject attained by New England fully a hundred years before; namely, that for the legal constitution of matrimony, the interposition of a minister duly ordained, or of a layman specially qualified, was indispensable.

Of course, there were differences of detail, between the two sections, that were not essential. For example, as regards the civil celebration, in New England it was incidental to the office of a regular magistrate, and no religious ceremony was either prescribed or customary; but in Virginia, it was the duty of an officer not invested otherwise with magisterial powers, and he was licensed "to celebrate the rites of matrimony according to the forms and customs of the church of which he is reputed a member." So as regards the religious celebration, the simple customs prevalent in New England were in contrast with the elaborate ritual adopted in Virginia. A Virginia law of 1631 provided that "no mynister shall celebrate matrimony betweene any persons without a facultie

or lycense granted by the Governor, except the baynes of matrimony have beene first published three severall Sundays or hollydays in the time of devyne service in the parish churches where the sayd persons dwell accordinge to the booke of common prayer, neither . . . at any unseasonable tymes, but only betweene the howers of eight and twelve in the forenoone, nor, when banes are thrice asked . . . before the parents or guardians of the parties to be married beinge under the age of twenty and one years, shall either personally, or by sufficient testimony signifie unto him their consents given to the said marriage." The same law directed that in each parish church a record of all marriages should be kept by the minister, that a return thereof should be made by the clerk to the county court, and that "marriages shall be done in the church except in cases of necessitie."

This was substantially the system then in force in England, and, as a vital part of the Establishment, it was fostered in the colony as long as Episcopacy retained supremacy. Modifications were allowed only so far as seemed necessary to its maintenance. For example, in 1646, ministers transgressing its provisions were punished with a fine of a thousand pounds of tobacco; and in 1661, because of the difficulty of publishing banns from the scarcity of ministers, and of the consequent need of greater facility of obtaining license, power was given the county court, in place of the governor, to issue license to those who gave bond that there was no legal obstacle to their union. Even when, a century later, as stated above, through the same scarcity of clergymen and the growth of tolerance, dissenting ministers and laymen obtained the power of celebrating marriage, there were still required in all cases the publication of banns or the procuring of license, and the performance of religious rites.

But in the more Southern colonies, the

Carolinas and Georgia, Episcopacy never obtained so firm a hold. The charter of the Carolinas, granted in 1669 to the Earl of Clarendon, the Duke of Albemarle, and others, did indeed, like the Virginia charter, provide for the establishment of the English Church. But it was long before Episcopal clergymen came, and not till 1681 that an Episcopal church was built in South Carolina, and that only by private gifts. On the other hand, the charter, unlike that of Virginia, guaranteed religious freedom; and this, with the liberal policy adopted, attracted large numbers of dissenters, including French Huguenots, German Protestants, and Massachusetts Independents. These colonists formed the substantial and major part of the population. They stoutly resisted taxation for Church support, and hence the Establishment was for a long time such only in name. But about the beginning of the eighteenth century, a small company of corrupt officials, supported by the Proprietors and by a faction of High-Churchmen, having secured the passage of a law excluding from the South Carolina Assembly all who dissented from the Church of England, proceeded to enact what is called the Church Act of 1704, establishing a complete parochial system of church government, and forbidding magistrates, under penalty, to celebrate marriage. Although the Church Act was soon repealed, Episcopacy continued till the Revolution nominally to be acknowledged and established.

Thus the marriage law of the Carolinas was at first in conformity with that of England; but the growing strength of dissenters and the scarcity of Episcopal clergymen caused, as it did in Virginia, the introduction of the civil celebration of marriage. Colonel Byrd, writing about 1728, says that in North Carolina, "for want of men in holy orders, justices of the peace and members of the council were empowered to cele-

brate marriage." In the same colony the Act of 1741 provided "that every clergyman of the Church of England, and for want of such any lawful magistrate," could perform the marriage ceremony, but not "without license first had . . . or thrice publication of banns, as prescribed by the rubrick in the book of common prayer." The magistrate who, in a parish where a minister resided, united persons in marriage without first getting leave of such minister was liable to a fine of five hundred pounds.

This step no doubt opened the way to the policy of toleration which marked the succeeding laws. In 1766, from among the dissenters, Presbyterian ministers, "regularly called," were singled out, and permitted to solemnize marriage, "in their usual and accustomed manner, under the same regulations and restrictions as any lawful magistrate;" but marriage celebrated by such ministers, without license, were expressly declared "illegal and void." In 1778, in the midst of the Revolution, the Establishment having ceased to exist, the law was brought to a state consistent both with the early charter and with the spirit of the time. "Whereas it is absolutely necessary," the act reads, "that rules should be observed concerning the rites of matrimony. . . . All regular ministers of the gospel, of every denomination, having the care of souls, and all justices of the peace in this State, are hereby authorized and empowered to solemnize the rites of matrimony, according to the rites and ceremonies of their respective churches." But the minister or justice was forbidden, upon penalty, to marry persons until, as in the Virginia Act of 1661, they produced either a certificate of the due publication of banns, or a license from the county court.

Society and law in the colony of Georgia were much as they were in the Carolinas. In Georgia, also, the Church of England was established. But the

charter granted to James Oglethorpe and his associates guaranteed liberty of conscience to all except papists, and the spirit exhibited in ecclesiastical legislation was one of toleration. Hence a considerable Puritan element was drawn to the colony. As in the neighboring colonies, the Establishment ceased to exist during the Revolution, and some legislation regarding marriage laws ensued. In 1785, "all justices of the peace duly qualified, ministers or preachers of the gospel in this State regularly ordained," were authorized to solemnize nuptials, "after public notice of eight days being given, or by license of his honor the governor, or register of probates."

But in Maryland alone of the Southern colonies was there complete religious toleration at the beginning. Her charter, like those of her Southern neighbors, provided for the establishment of the Church of England; but the circumstances of settlement and of development made an establishment impossible. In the expedition to Maryland, in 1633, Lord Baltimore described his followers as "his two brothers, with very nearly twenty other gentlemen of very good fashion, and three hundred laboring-men." The greater part of the laborers were Protestants; but the Proprietary and the other gentlemen were Catholics, and the policy of complete toleration was the only one that could assure them the enjoyment of their own faith. Accordingly, in spite of the charter, such a policy was instituted. As a result, Maryland became a refuge for the persecuted of all nations. Puritans came in large numbers from Virginia and elsewhere. They soon gained control, and in 1649 the Catholics found it necessary to obtain the Toleration Act, — virtually an agreement by the Council and the Assembly not to persecute Catholics. Indeed, as the Puritans increased in numbers, the early history of Maryland became chiefly a record of efforts by the Catholics and Quakers to maintain the

enjoyment of their worship, and to uphold religious toleration. In the main they succeeded, and this fact is abundantly evidenced by the liberality of the early marriage laws. By the Maryland Act of 1658, it was enacted "that all persons who shall desire Marriage have liberty to apply themselves either to a Magistrate or Minister for the contracting thereof;" and these words were repeated in the Act of 1676, except that for "magistrate or minister" were substituted "priest, minister, pastor, or magistrate," clearly expressing the broad intent of the law. But from this time there was a struggle for supremacy between Episcopacy on the one hand and Catholicism and Quakerism on the other; and the success of the former at the close of the seventeenth century was the beginning of a radical and permanent change in the law,—a change that is unique in colonial history. It was that the civil celebration of marriage inaugurated by the Catholic founders was abolished, and the religious celebration alone maintained. At first, it applied only to members of the Church of England. The Act of 1717 provided that all such persons "who desire marriage shall apply themselves to a minister for the contracting thereof, and shall cause due publication to be made according to the rubric of the Church of England." But during the Revolution the change was made for all. According to the Act of 1777, "The rites of marriage between any white persons, subjects or inhabitants of this State, shall not be celebrated by any person within this State, unless by ministers of the Church of England, ministers dissenting from that Church, or Romish priests, appointed or ordained to the rites and ceremonies of their respective churches, or in such manner as hath been heretofore used and practiced in this State by the society of people called Quakers." Such is the law in Maryland to-day, this statute having been incorporated in the Maryland code.

The provisions regarding the publication of banns and the obtaining of license were much like those in neighboring colonies, and severe penalties were imposed for their infringement. But neither banns nor license, it seems, were essential to the constitution of matrimony. The thing always indispensable was the interposition at first of a minister or magistrate, and later of the minister alone. Upon this point the Southern colonies were one with New England. Persons could not marry themselves. The Maryland Act of 1662 "enacted that all contracts or promises of marriage not made before some minister, pastor, or magistrate, with two sufficient witnesses, shall be and are hereby declared null and void." So, fourteen years later, we find a statute substantially the same, except that the number of witnesses was increased to five; and in 1777 marriages were "not to be celebrated by any person . . . unless by ministers." The same conclusion is to be drawn from the Virginia Act of 1661, above recited, and from the legislation of the more Southern colonies. In all these colonies, prior to the Revolution, Episcopacy was supported by the government, and was largely concerned in politics. So in New England, for the first fifty years at least, Independency controlled the State. In both denominations, the celebration of marriage was of fundamental concern. The essentials to its validity and the means of its protection were clearly defined and constantly set forth. The principle and the practice of the Church suggested and moulded the law of the land; and neither Episcopacy nor Independency ever taught that persons could marry themselves merely by the private interchange of words of present consent.

In the middle colonies, no one form of religious belief predominated. They being neutral ground between New England and the South, intolerance was avoided both from Independency on the

one side, and from Episcopacy on the other. Religious toleration, in Maryland adopted from expediency and sustained with difficulty, was in Pennsylvania proclaimed from principle and maintained without opposition. Promising full liberty of conscience to all, William Penn attracted to his domain Quakers, Catholics, Lutherans, Presbyterians, Baptists, Anabaptists, Moravians, Palatines, Ridge-Hermits, Dunkards, Mennonists, and Pietists. The religious system of Pennsylvania was peculiar to that province. A century later, receiving the sanction of the convention of 1789, it became, and it is to-day, the policy of the United States.

Of course, in conformity with that system, in Pennsylvania marriages were recognized as valid in law which were solemnized in any religious society whatsoever. But while the Quakers were charitable and tolerant toward all, their early marriage laws were detailed and strict. In the scheme of government and laws for the province of Pennsylvania, drawn up in 1681, before leaving England, Penn and his associates agreed "that all marriages (not forbidden by the law of God . . .) shall be encouraged; but the parents or guardians shall be first consulted, and the marriage shall be published before it be solemnized, and it shall be solemnized by taking one another as husband and wife, before creditable witnesses, and a certificate of the whole, under the hands of the parties and witnesses, shall be brought to the proper register of that county, and shall be registered in his office." Soon after their arrival in the province, these principles were enacted in the law of 1683, — a law which was thought so important that it was made "fundamental in the government of this province," and was not to be changed without the consent of the governor and of six sevenths of the freemen. The purpose of this law was "to prevent clandestine, loose, and unseemly proceedings in this prov-

ince and territories thereof, about marriage." The parties were required to affix "their intentions of marriage on the court or meeting-house door of the county wherein they dwell, one month before the solemnizing thereof," and to prove their "clearness of all other engagements" by a certificate from some creditable persons. At the ceremony itself twelve witnesses were necessary. Later statutes required that one of these witnesses should be a justice of the peace; that the certificate should be presented to the religious society to which the parties belonged, or to some justice of the peace in the county in which they lived; and that also the publications should be subscribed by a magistrate of the same description. In 1730, the justice was forbidden to make such subscription, where the parties were minors, unless he received a certificate of consent from the legal guardians. These acts did not apply to persons — Episcopalians or others — who were married in the religious society to which they belonged, and according to its forms. Such, it seems, continued to be the law of Pennsylvania till the close of the eighteenth century, and it was substantially the system set forth by William Penn in 1681. Some ceremony, either in face of the church or in presence of witnesses and a justice, was indispensable; and persons could not marry themselves in Pennsylvania any more than in Massachusetts or Virginia.

Much more was this the case in New Jersey, where, as compared with Pennsylvania, society was simple and homogeneous, and the law of the family was established after Puritan models. The Quakers did indeed settle West New Jersey and portions of East New Jersey; but New England Congregationalists and Scotch Presbyterians, especially the former, closely followed the Quakers, soon surpassed them in numbers, and were the more influential in establishing society. Religious toleration was assured

in the instrument of government called the Concessions, issued in 1664 by the Proprietors, Lord Berkeley and Sir George Carteret, for their newly acquired grant, New Jersey; and by the law of 1668 there was instituted a form of celebrating marriage consistent with the Concessions and with Independent principles: "None but some approved minister, or justice of the peace within this province, or some chief officer, where such are not, shall be allowed to marry, or admit of any to join in matrimony in their presence." The parties to be married were required first to obtain the consent of their parents or guardians, and to have their intentions thrice proclaimed in church, or posted for fourteen days in some public place. This, it seems, remained the law for about fifteen years, and was, no doubt, satisfactory to the Puritan majority among the colonists.

In 1682, however, that part of the province called East New Jersey came by purchase into the possession of William Penn and other Quakers. They associated themselves together as the twenty-four Proprietors. They appointed a Quaker governor, and in other respects showed favoritism to their sect, although it comprised but a small minority of the inhabitants. "The fundamental constitutions" of these Proprietors contained a provision on the celebration of marriage similar to that made by Penn and his associates, about the same time, for Pennsylvania. But in a subsequent statute there seems to have been a compromise between the Quaker and the Puritan practice, that left out the very feature in each which was most desirable. For the parties were to take each other as husband and wife, but not "before creditable witnesses;" while, on the other hand, this solemnization was to be "by or before some justice of the peace, or other magistrate within the province, unless the justice of the peace or magistrate refuse to be present." If,

then, the justice or magistrate refused to be present, it would appear that the parties could marry themselves.

West New Jersey also came into the hands of the Quakers, but with less disturbance of the laws. A statute of 1682 provided that "justices of the peace have power, and are hereby authorized within their jurisdiction to solemnize marriage." But after a period of mismanagement by the Proprietors, New Jersey was, toward the close of the seventeenth century, surrendered to the Crown, and was consolidated with New York into one royal province. The Church of England was thereupon established; but as the Episcopalians were a small minority of the population, and had but little zeal, the Establishment remained barely more than nominal. The liberal policy formerly followed toward religion was, after a short time, resumed. For, in 1718, it was made lawful for "any religious society in the province to join together in the holy bonds of matrimony such persons as are of the said society, according to the rules and customs of the society," provided the consent of legal guardians was obtained in writing. There appears to have been no further change till the close of the century. In 1795, a law directed that "every justice of the peace of this State, and every stated and ordained minister of the gospel, shall be and hereby is authorized and empowered to solemnize marriages." The justice or minister was also required to record the marriage, and to transmit a certificate thereof within six months to the county court. Thus, in the course of a hundred years, New Jersey had put aside the loose laws introduced by the Quaker Proprietors, and had gone back to her earliest colonial law,—that of 1668. Her law of the celebration of marriage was again, it seems, substantially in accord with that of New England.

In New York the conditions of settlement and of early development were

remarkable in colonial history. In most of the colonies the settlers were wholly or mainly Englishmen, and society was modeled after English customs and laws. But in the New Netherlands the earliest settlers were Dutch, and the institutions and laws were of Dutch origin. The celebration of marriage was therefore governed by the Roman Dutch law and by colonial ordinances; and from both it is clear that to constitute matrimony there was required the proclamation of banns or the procuring of a license, as well as the interposition of a minister. Such was the law during the half century of Dutch rule. But in 1664 the New Netherlands passed under the control of the English, and in the patent from Charles II. to the Duke of York, he was directed to establish laws and government "not contrary to, but as near as conveniently may be agreeable to, the laws, statutes, and government of this our realm of England." Accordingly, after an examination of the New England laws, a code was adopted called the Duke's Laws, which contained ample provision for the celebration of marriage. After reciting that in England a marriage could not be lawfully celebrated "without a minister whose office it is to join the parties in Matrimony after the Banes thrice published in the Church, or a Lycence first had and obtained from some person thereunto authorized, all which formality cannot be duly practiced in these parts," the act continues: "Yet to the end that a decent rule may be observed it is Ordained that from henceforth the names and surnames of each party who sue for marriage shall be publicly read in their Parish Church or place of usual meeting, where they both then inhabit three several Lord's days successively. And where no Church or meeting place shall happen to be, a publication in writing shall be first fourteen days before Marriage upon three doors of each parish whereof the parties Inhabit. . . . Unless

they produce a lycence from the Governour, in both which cases, and not otherwise, it shall be lawful for any minister or for any Justice of the Peace to join the parties in Marriage, Provided that the said Partys do purge themselves by Oath before the Minister or Justice that they are not under the bonds of Matrimony to any other person." That the statute is mandatory, rather than directory, is seen from the penalty imposed "if any man shall presume to marry contrary to these Lawes prescribed."

The Duke's Laws thus followed the then existing law of England as far as was practicable; and superseding the pre-existing Dutch rules, it remained in force for the ensuing twenty years. It clearly made void a marriage celebrated without banns or license, or without a minister or magistrate. In 1681, steps were taken, with the concurrence of the Lord Proprietor, to secure a representative government, and in 1683 the first representative Assembly met in the city of New York. At its second session, in 1684, it passed the Bill concerning Marriages. This was, substantially, a re-enactment of the Duke's Laws of 1664, and seems not to have been repealed prior to the Revolution. In this view, the law of New York, at the latter part of the eighteenth century, was more strict than that of the other colonies, North Carolina excepted. For while, as we have seen, in the celebration of marriage there was required the presence, in Maryland, of a minister, and in the other colonies of a minister or magistrate, in New York, and in North Carolina, there was necessary, besides this, the publication of banns or the procuring of a license.

That such was the colonial law of New York has recently been advocated by some of our most eminent lawyers. In the celebrated *Lauderdale Peerage* case before the House of Lords, in 1885, the main question was as to the requi-

sites of a valid celebration of marriage in the colony of New York in 1772. Senator George F. Edmunds testified before the House of Lords that in his opinion the statute of 1684 was in force and governed the constitution of marriage in New York in 1772. To the same effect were the written opinions of James C. Carter and William M. Evarts, of New York. In the words of the latter, "The statute of Assembly in 1684 unquestionably was in force in 1772. The essentials of a valid marriage, according to the law of New York in 1772, were that the ceremony should be performed by a minister or a justice of the peace, and that such marriage could be lawfully performed only after the publication of the banns prescribed by the act of Assembly of 1684, or, in default of such publication of banns, by a license from the governor."

On the other hand, Lord Blackburn and his colleagues, in the case above named, ruled that neither the Duke's Laws nor the statute of 1684 was in force in 1772, but that the law of the colony was then substantially the same as "the marriage law of England, such as it was in the latter part of the seventeenth century." As we have seen, at that time in England, a marriage to be valid had to be celebrated in the presence of a clergyman in holy orders. Hence, though differing as to the requirement of banns or of license, both the English judges and the American experts above named were agreed that in 1772 marriage could not be validly constituted in New York merely by the private interchange of words of present consent. This "common law marriage," falsely so called, — the "free marriage" of the later Roman law, of the canon law, and of the Scotch law, — did not exist in New York (or, indeed, in any of the other colonies) prior to the Revolution. "I am not able to discover," says William M. Evarts, "that at any time . . . 'a common law' marriage . . . was rec-

ognized as valid either by law or custom within the province."

As we have seen, Independency caused the settlement, and became the ruling and shaping force, of New England. Moreover, such were its vigor and enterprise that it spread in numerous settlements over the Middle and Southern colonies, superseding or modifying local customs and laws. In the South it came in contact with Episcopacy, which, through the favor of the Crown, of Proprietors, and of royal governors, had been forced upon the people. Against the Church thus established the Puritans, together with the other dissenters, waged continual warfare, thus imitating in the colonies the contemporary Puritan movement in England; and such was the rapidity of their increase in numbers and in power that they gained an easy victory over Episcopacy, when through the Revolution the latter lost the Tory support. The Establishment was then overthrown, and a policy of religious toleration took its place. At the same time, and partly in consequence of these events, there were corresponding changes in the celebration of marriage. During the seventeenth and the eighteenth centuries, the colonial laws upon this subject went through a process of elimination of narrowness and intolerance, and of assimilation to a common type. This type was the optional civil celebration. To this form as a compromise the New England compulsory civil celebration gave way toward the close of the seventeenth century, and the Southern compulsory religious celebration during the eighteenth century; and, being a compromise, it naturally existed from the beginning in the Middle colonies, that neutral ground between the opposing forces of Independency and Episcopacy, — of Puritan and of Cavalier.

Thus, in the latter part of the eighteenth century, the optional civil celebration of marriage existed with substantial uniformity throughout the thir-

teen colonies, Maryland alone excepted. To constitute marriage, there was required the interposition in Maryland of a minister, and in the other colonies of a minister or magistrate. Incidental, but not generally essential, was a substantially uniform system of banns, license, parental consent, and registration. Throughout the colonies, the requisites of a valid celebration were regulated by

statutes which radically modified the English common law; and what Justice Gray said of Massachusetts is applicable to all the colonies: "The canon law was never adopted; and it was never received here as common law that parties could by their own contract, without the presence of an officiating clergyman or magistrate, take each other as husband and wife, and so marry themselves."

Frank Gaylord Cook.

VIRGINIA'S WOOING.

YOU must know in the beginning that Virginia wore feathers. But she had as many trials with her suitors as though she dressed in silks, and she displayed so much of what we call "human nature" that her story is as interesting as that of half the Ethels and Marguerites of the romances.

She came of a good old family, the Cardinals, and, belonging to the Virginia branch, was called properly Virginia Cardinal, or, in scientific fashion, *Cardinalis Virginianus*. She was a beauty, too. It is well known that the cardinal himself has a full suit of the most brilliant red, but it is not so familiar a fact that the dames of the tribe are more modest, and wear the family colors simply as linings and in subdued tints: rich rose-colored wing-facings, light coral-hued beak, delicate pink crest, all toned down by the soft olive brown of breast and back, over which is everywhere a lovely suggestion of red.

The home of Virginia, when she came to the bird-room, was a large cage by the window; that of the cardinal being next to it, equally commodious, but a little farther from the light. This personage, her first admirer, made the mistake that larger suitors sometimes fall into, with equally disastrous results, — he "took things for granted." Between the

cages was a door, but, to try the temper of the birds, it was at first closed. The cardinal was evidently pleased with his lovely neighbor; he went as near to her as he could get, and uttered some low remarks, to which she listened, but did not reply. Later, when a meal-worm was given to him, he did not eat it, but held it in his beak, hopped over to her side, tried to get through the wires, and plainly thought of offering it to her. His disposition appearing so friendly, a human hand interposed, and opened the door. Instantly he went into her cage, and apparently thinking better of the intended offering he ate it himself, and proceeded to investigate her food-dishes and try the seed, then hopped back and forth between the two cages, and at last selected the perch he preferred, and took possession. He paid no attention to her in the way of recognizing her ownership, which he would naturally do to another bird; he assumed that whatever belonged to the cardinal family belonged to him; perhaps he even thought she went with the house, — it certainly looked as though he did.

But the little dame had a mind of her own. On his first intrusion, she vacated her home, and passed into his. When he appeared in his cage, she quietly hopped back; on his return, she changed

cages with equal alacrity; when he settled himself on her perch, she was quite contented on his. There was no dispute, no warfare; she simply said, in manner, "All right, my friend; select your abode, and I'll take the other. I'm satisfied with either, but I intend to have it to myself." After awhile it seemed to strike his lordship that she avoided him, and he resolved to settle that matter; here making his second mistake, in trying to force instead of to win. He entered the cage where she sat quietly, and flew at her. She dodged him, and took refuge in the other apartment; he followed; and thus they rushed back and forth several times, till she stopped for breath on a lower perch, while he was on an upper one in the same cage. Then he leaned far over and fixed his eyes on her, crest raised to its greatest height, wings held slightly out, and addressed her in a very low but distinct song, which resembled the syllables "Cur-dle-e! cur-dle-e! er-r-r;" the latter sounding almost like a cat's purr. After singing this several times, and being slighted by her leaving the cage, he laid his crest flat down, muttered something so low that it could not be noted, and looked very much put out. Soon, however, he shook his feathers violently, flung himself at her, and she dodged, as before. When both happened to be for a moment in their own cages, the door was suddenly closed between, and each had his own, as at first. Madam was delighted, but the cardinal resented it; he tried to remove the obnoxious barrier, pecked at it, shook it, and could not be reconciled. He grew hungry, and was obliged to eat, but between every two seeds he returned to struggle with the bars that kept him from her. Meanwhile, Virginia had apparently forgotten all about him, eating and making her toilet for the night, as cheerful as usual.

The next morning, the outside doors of the two cages were opened, and both

birds at once came out into the room. The cardinal, not yet over his tiff of the evening before, took wing for the trees outside the windows, and brought up, of course, against the glass. He was greatly disappointed. He alighted on top of the lower sash, tested, examined, and tried to solve the mystery. Virginia, too, tried to go through the pane, but learned in one lesson that it was useless. She did not care much about it any way, for she was perfectly contented inside. She went around the room, hovering slowly under the ceiling, which is always of interest to birds, and then set herself to work, in a most systematic manner, to find out all about the new world she was in. She examined the outside perches and tried each one; she explored the bathing table, flirted out a little water from the dishes, and at last thought it time to make acquaintance with her neighbors.

She began with the robin, and flew to his roof. The robin was not pleased, snapped at her, opened his mouth, uttered a queer low robin-cry, "Seep," and pecked at her feet, while she stood quietly looking down at the show from above, as much interested as though it were arranged to amuse her. At length she proceeded to make the more formal visit. She dropped to the door-perch, and approached the entrance. The inhospitable owner met her there; not to welcome and invite her in, but to warn her out! He lowered his head, opened his beak, and bowed to her, looking very wicked indeed. It was plain that he was "not receiving" that morning. But Virginia had come to call, and call she would. Nothing daunted by his coolness, she hopped in. The robin was amazed; then declared war in his peculiar way, — first a hop of six inches, with wings spread, then a savage clatter of the bill. His guest met this demonstration quite calmly. She lowered her head, to defend herself if necessary, but made no other movement. Her calmness filled

the robin with horror; he fled the cage. Then she went all over it, and satisfied herself that it was much like her own, only the food-dish was filled with some uneatable black stuff, instead of the vegetarian food she preferred. She soon departed.

Meanwhile, the cardinal was wasting his time over the window problem, touching the glass with his beak, flying up a few inches before it, gently tapping the pane as he went. It was two or three days before he made up his mind he could not get through. After that he was as indifferent to the outside as any bird in the room, and turned his attention once more to Virginia. Whenever they were in their cages, with the door open between, he assumed the lord-and-mastership of the two: he drove her away from her own food-cups, usurped her perch and her cage, and made himself disagreeable generally. Finally, one day when she was sitting quietly on the upper perch of his deserted cage, he came into the same cage, and, resting on the low perch close to the door, his tail hanging outside, began a low call, a curious sort of "e-up," with a jerk on the second syllable. Though a common enough sound for a cardinal, this plainly meant more than was apparent to human spectators. Virginia at once grew uneasy, hopped across the upper perches, and when her nervousness became too great dashed down past him, though he was partly in the doorway, and into her own cage, where she resumed her restless jumps. He was not pleased with her reception of his attentions; he sat a long time in that attitude, perfectly still, perhaps meditating what step he should take next, glancing at her meanwhile over his shoulder, but not stirring a feather. Time passed, and he came to a decision of some sort, which was shown by a change of position. He turned around, and took his seat on the corresponding perch in her cage, just before the door.

This impressed Virginia; she stopped her hopping, and looked over at him with an air of wondering what he would do next. What he did was to hop one step nearer, to the middle perch. Upon this she abandoned her place, came to the floor, and began to eat in the most indifferent manner; then passed into his cage, then back to the floor of her own, still eating, while he sat silent and motionless on the middle perch, evidently much disturbed by her conduct. After an hour of this performance, he retired to her upper perch, and stayed there.

The same day, the jealousy of the unsuccessful wooer was aroused by a fine, fresh-looking cardinal whom he saw in the looking-glass. In flying past it he caught a glimpse of his reflection, and at once turned, alighted before it, and began calling vehemently; holding out and quivering his wings, and flying up against the figure again and again in the most savage way. The next day he began to mope, and refused to come out of the cage; whether because of illness, or disappointed affections, who shall say?

The time of her tormentor's retirement was one of great happiness to Virginia. She paid her usual visit to the robin, and he, as at first, vacated his cage, this having become the regular morning programme. Now, too, she went on to extend her acquaintance by entering the cage of another neighbor, a scarlet tanager, a shy, unobtrusive fellow, who asked nothing but to be let alone. This bird also did not reciprocate her neighborly sentiments; he met her with open beak, but finding that did not awe her, nor prevent her calmly walking in, he hastily left the cage himself. During the time that her persecutor was sulking, and not likely to bother, she had leisure for the bath, which she enjoyed freely, coming out with her long breast feathers hanging in locks, and looking like a bundle of rags. Her last experimental call was now made upon another household, the Baltimore orioles,

and there she met with something new, — perfect indifference. Even when both of the birds were at home, they did not resent her coming in. She went to the upper perch with them; the cage was big, there was plenty of room, and they were willing. Their manners, in fact, were so agreeable that if their cups had been supplied with seed, I think she would have taken up her abode with them; as it was, she frequently spent half an hour at a time there. On this eventful day Virginia began to sing, for in her family the musical performances are not confined to the males.

After several days of retirement, the cardinal plucked up spirit to resume his annoyance of Virginia, and for a few nights a queer sort of game was played by the two, explain it who can. If the barrier between the cages was removed after the outside doors were shut for the night, he at once went to her cage and to the middle perch. Virginia, on the upper perch, waited till he reached that spot, then dropped to the floor, slipped through the door into his cage, and went to the upper perches there, where she hopped back and forth, while he did the same in her cage. Suddenly, after a few moments, down he came again through the door to his own middle perch, when instantly, as before, she retreated into her cage. Thus they went on an hour at a time; he apparently following her from one cage to another, and she declining to occupy the same apartment with him. Occasionally it was not so calm; he lost his temper, or grew tired of trying to please; once or twice, without warning, he lowered his head, looked ugly, and fairly burst into her cage and flung himself at her. She dived under or bounded over a perch, any way to escape him, and took refuge in the other cage.

This could not go on long; the cardinal lost interest in everything, took to moping, and at last died, — disappointed affection, shall we say, or what? Vir-

ginia was relieved; she sang more and in a louder tone, hopping around her cage with a seed in her mouth, flying through the room, or splashing in the bath; in fact, she was bubbling over with song all the time, as if she were so happy she could not keep still. She paid her daily visits to the cages, forcing the robin to take an outing, which he did not care to do while moulting and not very sure of his powers.

Many birds show emotions by raising the feathers on different parts of the body, but this bird was remarkable in the expression of her crest alone. When she peeped into a strange cage, and was somewhat uncertain of her reception, the crest laid flat down, her very head seemed to shrink; she stepped in at the door, excited, for it might be peace and it might be war; the feathers rose and fell alternately; if suddenly startled, the crest sprang to its highest point; and when singing, or passing peacefully about the room, it dropped carelessly back on her head.

Virginia was allowed a week's solitary enjoyment of the two cages, and then one day a new tenant appeared in the cardinal's quarters. She was out in the room when he arrived, but she instantly came over and alighted on his roof, to have a look at him. Most expressive was her manner. She stood in silence and gazed upon him a long time; all her liveliness and gayety were gone, and she appeared to be struck dumb by this new complication of her affairs. It was plain that she was not pleased. Perhaps her dislike was evident to the new bird, for suddenly he flew up and snapped at her, which so surprised her that she hopped a foot into the air. When the time came to open the door into her cage, the stranger was delighted to go in, but Virginia dodged him, exactly as she had done his predecessor. He did not lose his temper, and condescend to the vulgarity of flying at her, as the first admirer had done. He looked

interested to see that she avoided him, but after all he did not take it much to heart. This cardinal, like the other, was not yet acclimated — if one may call it so — to life in a house, and after a week he also took his departure.

Now Virginia, free again, became at once very gay. She sang all the time; she kept the robin stirring; she bathed; she waxed fat. But her time was approaching. Spring came on, and with the first warm weather the birds began to disappear from the room. First the tanager expressed a desire to mingle with society once more, and went his way; then the orioles were sent to carry on their rough wooing in the big world outside; the robin followed; and at last Virginia was left with several big empty cages and only two birds, a reserved and solitude loving Mexican clarin, and a saucy goldfinch, so long a captive that he had no desire for freedom. Now for the first time Virginia was lonely; the

strange quiet of the once lively room worked upon her temper. She snapped at her little neighbor; she haunted the window-sill, and gazed out; while nothing hindered her passage excepting the weather, our climate being rather cool for her.

At last July, with its great heat, arrived, and the restless bird was carried by a kind friend, who offered to do this good deed, to a place in Central Park, New York, where a small colony of her kind have established themselves, and build and nest every year. Here she was set free, and here she met her third suitor. The place and the season were propitious, and Virginia was ready to look with favor on a smart young cardinal in the brightest of coats, who came in response to her calls the moment she found herself on a tree, really out in the world. A little coaxing, a few tender words, and she flew away with him, and we saw her no more.

Olive Thorne Miller.

THE DESPOT OF BROOMSEDGE COVE.

V.

MARCELLA was spinning on the porch, when Teck Jepson and her father came across the open field toward the cabin, — spinning at the little flax-wheel, as she sat in a low chair, her foot on the treadle. The jack-bean vines that hung above her head blossomed lilac and white; the amethystine mountain looming behind the gray roof had turned a darksome purple; the blue and curling smoke that issued from the stick-and-clay chimney made spiral progress up and up the slope. The zenith was a lustreless golden hue, and the west was crimson and burned with a passion of color, and the evening star was kindling. The daylight lingered, nevertheless, for it

shone upon the flax; and as the girl drew out the long fine fibre, it glistened yellow, while the wheel whirled, and she seemed to be spinning sunbeams. Her face was serene, though unsmiling, and she sat silent, while the swift wheel whirled and whirled, and a katydid clamored in the gourd-vines hard by. Amidst their luxuriant tangles a firefly sent forth a fluctuating gleam.

It was some moments before Jepson noted Andy Longwood, the "frequent visitor," sitting on the steps of the porch, or heeded the high, chirping voice of the callow Isabel, who evidently carried on most of the conversation. The young fellow's fair hair floated down upon his shoulders in loose ringlets, as he leaned back among the gourd-vines. He had a

pensive brow, a long, curling dark lash, a large and tranquil eye.

"Dad-burned purty little Woolly, I'll swear," Teck Jepson commented to himself, while courteously saluting Eli Strobe's mother, who had instantly come to the door to receive him, and had sat down in a chair in the porch, folding her knotted hands peacefully in her lap. She was a thin, active, wizened little woman, considerably below the average height, and there were some sharp suggestions of mental agility, as well as physical, in her quick dark eyes. Her feet did not quite touch the floor, and as she stayed them on a rung of the chair she seemed rather mounted or perched than seated, and the instability of her position accented her tiny proportions. Her tall, burly, and deliberate son bore no trace of likeness to her, and she often observed, with the manner of discarding all responsibility for him, that he was "his dad over agin." This "dad" of his had evidently not been an ornament to his sphere, and if he had met joy in his future estate it was well, since he had left peace behind him. For thirty years his relict had worn that peculiar freshened, released aspect common to many widows, and it was in Eli's most stubborn moods that she usually felt called upon to remark the filial resemblance.

Teck Jepson strode up the steps, including the two girls in the cursory glance which he bestowed upon the rest of the party, and a succinct "Howdy." There was something always impressive in his height, his gait, and his imperious face, and Marcella was vaguely awed. Her hand trembled upon the thread she was spinning, and it broke beneath her touch. She did not have the voice, somehow, to join in the soberly piped "Howdy" with which Isabel returned the salutation. Jepson gave the "frequent visitor" no further notice, and he held himself sedulously aloof from the younger people, accepting a chair on the

porch which Eli Strobe tendered him, and looking over their heads at the waning sunset-tide.

"Waal, Teck," Mrs. Strobe observed, after the greetings, "how d'ye like livin' up on the high mounting?"

She turned upon him her bright eyes, set very close together, like the small Isabel's, and her dry lips distended in a faint smile, and then became speciously grave, as if they meant to keep all the fun to themselves.

"It don't make no differ to me, Mis' Strobe," he answered, — his rich, melancholy voice seemed to constrain the air to silence, and caused a remark of the "frequent visitor" to halt upon his lips, as he looked up with mute, respectful curiosity at the new-comer. "Whar the sperit leads me I will foller."

Mrs. Strobe was too small to toss her head aggressively, but she had scant faith in any holiness save her own, and less patience with its assertion. And thus it was that she herself spoke now as one of the uncovenanted: —

"Ef I war you-uns, I'd wisht the sperit hed better taste 'n ter lead me whar M'ria Bowles hed set up *her* staff. Ef the sperit could do no better lead-in' 'n that fur *me*, I'd jes' turn in an' blaze out my own road. Yes, sir."

She turned her head suddenly, and looked at him with incongruous daring, like a reckless wren.

"Need n't tell me nuthin' 'bout M'ria Bowles," she continued, taking her knitting out of her pocket, — "her ez war M'ria Price. I knowed that gal, — a hard, tantrum-y gal, with the kind o' good looks ez I hed rather be ugly than hev hed."

She twisted the thread around her little finger to restrain its presumable impetuosity, and the needles began to twinkle as they moved. Then she proceeded, with triumphant disregard of logic: —

"I tried an' tried ter git suthin' out'n Eli 'bout'n her, arter he went a-visitin'

up in the mounting at Ben Bowles's house. But 'Yes'm' an' 'Naw'm' air all ez he hev got fur his mother now-days, bein' ez I can't vote fur him. Eli air so 'feared he 'll git somebody set agin him 'fore the 'lection, by tellin' suthin' he said or did n't say, he air purty nigh mum! His tongue 'll limber out arter awhile, though, ye mark my words. Time the polls air closed he 'll know whether his soul's his own or no."

Eli Strobe sat under this criticism with an impassiveness that could have been attained only by long practice. He gazed with somnolent, meditative eyes at the landscape, his broad-brimmed hat pulled over his brow, his elbow upon his crossed knee, his chin in his hand.

Marcella had flushed deeply. The spinning-wheel had ceased to whirl. She looked up, her brown eyes alight, the broken thread in her hand.

"Ye mus' hev furgot, granny," she said, her voice trembling with the effort at self-repression into due respect; "dad tole ye a heap 'bout the folks on the mounting."

"Till we war both tired out'n with the name o' Bowles," put in the uncompromising Isabel.

"He tole ye Mis' Bowles war good-lookin' ez ever, an' her husband 'peared well-ter-do an' mighty tuk up with her," itemized Marcella; "an' he reckoned she treated her step-chillen well, — leastwise they war fat enough; an' she seemed — so ter say — ez happy ez she ever war, — some lonesome, mebbe, bein' on the mounting. He tole ye, an' he tole ye!"

"Yes, he tole ye!" said Isabel, with an unfilial flirt of her tousled hair.

"An' dad *ain't* holdin' his jaw fur fear o' settin' the voters catawampus." There were tears in the deep brightness of Marcella's eyes. "He *ain't* afeard o' not gittin' 'lected. He kin bide by the vote ez onconsarned ez ever. It's jes' me an' Is'bel ez hev sot our hearts

on his bein' lifted high, above *all* the people. Dad *ain't* 'feared."

"Naw, dad *ain't* 'feared o' nuthin'," declared Isabel, tossing her head, in the pride of "dad's" courage.

The little old woman glared down upon the youthful partisans of "dad" with an elaborate show of displeasure.

"Air Eli Strobe *yer* chile or mine?" she sourly demanded of the damsels.

This potent logic bereft them of all rejoinder.

"I hev 'lowed fur forty year an' better ez he war *my* chile," Mrs. Strobe continued, sarcastically. "Mebbe though I hev been mistaken."

But while she folded her arms in a pose of important dudgeon, letting her knitting rest idly on her lap, she glanced at Teck Jepson with a sort of internal chuckle, as if to call his attention to the crushed champions.

"Mos' folks would 'low ez I hed tuk toler'ble good keer o' him without enny help from you-uns, an', bein' ez he hev throved toler'ble, it mought 'pear like I warn't likely ter do nuthin' ez would hurt him sure enough, or make him seem small ennywise. Eli Strobe hev made out ter git along fur a good many year 'thout you-uns ter take keer o' him, — 'fore Marcella an' Is'bel war ever hearn tell on."

For the first time the bone of contention lifted his voice. Eli Strobe wished to prevent retort on the part of his defenders.

"Shet up, chil'n," he observed, in his calm, heavy tones. "Shet up. Ye talk like ye ain't got no sense."

"Sense!" cried the sharp little dame. "Sense don't run in the family, ez fur ez I know it."

She did not include herself among those thus deprived. She chose to consider her departed lord the head of the family, and herself as only an accidental interloper.

"Naw, sir," she observed, "Eli brung no news home. I never knowed a man

ez would. They gredge news to wimmin folks. But law,"—she was knitting again with an appearance of great inattention to the industry, looking about casually over the whisking needles,—“the gals air nigh ez bad 'bout bringin' news home, ef not wuss. Ye see, Teck, I can't go 'bout much, bein' rheumatic. Ye mought 'low thar warn't enough o' me ter 'commodate much rheumatism, but I got more 'n I need. So the gals went ter the baptizin'. Sir, they hearn nare word o' the preachin', nare whisper o' the singin', salvation seemed afar off, an' the gran'jer o' this worl' war more ter them 'n the waters o' Jordan. Yes, sir! Answer me no questions could they,—no text, no psalm, could n't even tell what saints war 'tendin' on the baptizin', nor who war saved nor who war shoutin'. Fur they war all set ter wonder over a strange man they met a-kemin' home; special good-lookin', 'cordin' ter Marcellly.”

“Granny!” cried the girl, starting up from her chair, overturning the spinning-wheel upon the surprised “Woolly.”

“Hold yer jaw whilst yer elders speak!” exclaimed the imperative old woman. “Good-lookin', it seemed, till Marcellly could n't rest, but hard-hearted an' cruel-eyed, fur all he hed eyes blue an' deep ez a well, cordin' ter Marcellly; an' she b'lieved he hed no religion, though pious words war on his tongue! An' I hed that man fur breakfus', an' dinner, an' supper; an' when Marcellly war plumb beat out talkin' 'bout him, Is'bel tuk her turn.”

“Granny!” faintly reiterated Marcella, crimson and faltering, and hardly heeding Andy Longwood at her feet, as he sought to lift the wheel to its place before her, and to disengage his elbow from the “spun-truck.”

Isabel looked aghast from one to the other.

“Granny, it's that same man!” she cried, with a facial contortion of great

significance, but which her aged relative failed to interpret. Eli Strobe looked heavily on, a little doubtful, but unable to understand the commotion.

“I know it's that same man I'm a-talkin' 'bout,” Mrs. Strobe observed with dignity. “Ye did n't know his name, nare one o' ye; his looks war enough fur ye an' Marcellly, special Marcellly. An' ez ter his hard heart, an' his cruel eyes, an' his bein' a hypocrite, it's him ez hev got ter burn in Torment fur that, not Marcellly; so she rej'iced an' rej'iced in the handsome sinner, a-purtendin' ter despise him so!”

Isabel, less daunted by the situation than her sister, found strength to rise from the step where she sat near the “frequent visitor,” and faced round upon her unconscious grandmother. She relied now upon nothing less pointed than her index-finger, and as she leveled it at Jepson she declared,—

“It's *him*, granny,—him ez be a-settin' thar in the cheer!”

Mrs. Strobe's jaw dropped, as the realization of the social enormity of which she had been guilty was borne in upon her. She turned her faltering eyes upon Jepson, who sat beside her motionless. He was outwardly calm. His brow bore only a slight corrugation that could hardly be called a frown. His face was impassive; perhaps its imperious and lofty suggestions were accented by a touch of disdain, but in his eyes his anger burned. Mrs. Strobe realized now how deep they were, how blue, how full of fire, how alive with a tempestuous spirit. His long legs were stretched out before him; one hand was on his hip; his hat was pushed far from his brow, and he looked forth with sedulous unconcern at the mustering shadows. She remembered in dismay the opprobrious epithets,—cruel-eyed, hard-hearted, no religion, and Marcella, the candidate's daughter, despising him.

Now, for all that this old woman was so sharp of tongue, the good of her

household lay very near to her heart, and her deeds were widely at variance with her words. Moreover, her pride in her son was very great, and Eli himself was not a more watchful and cautious politician than she, when need arose. A breach of hospitality was not less abhorrent to her than an infringement of the ten commandments; but hard upon this came a poignant and politic monition for the interests of the impending election.

"Teck! Teck!" she cried, quaveringly, "'t warn't *ye ez* them two sillies met an' 'lowed war a strange man?"

"I tole *ye*, granny," declared the self-sufficient Isabel, buffeted by the storm of emotions the crisis had roused, but gallantly weathering it, — "I tole *ye* he 'lowed *ez* he did n't know me an' Marcellly, but he knowed dad, an' he war kin ter Ben Bowles. *Kin ter Bowles*, — I *said* it, an' I *said* it."

"Shet up! Who knows *ye* an' Marcellly, ennyhows? Marcellly hev shot up hyar like Jonah's gourd in a single night, — tall *ez* a bean-pole an' seventeen year old. I'll be bound ennybody *ez* hed nothin' ter do but ter medjure Marcellly would find an inch lengthwise onter her fur every day she lives. *Who* knows *ye* an' Marcellly, ennyhows? Powerful fine folks ter know. I'll be bound! Teck," — she turned suavely to the visitor, — "*ye* ain't tellin' me 't war *you-uns* sure enough, what I hev knowed sence *ye* war a-toddlin' roun' yer mam's knee — a mighty good 'oman she war, an' the end she made war a sampler to the saints, fur I war thar an' see her takin' off — bless the Lord fur the saints! — 't warn't *ye*, Teck, *ez* them gals war a-makin' sech a miration over, *ez* ef they hed fund a mare's nest?"

"Yes 'm," he assented in his melodious low tones, "'t war me."

She noted the heavy frown gathering in the shadow of Eli Strobe's big hat, drawn far over his brow. He cast a slow glance toward the group; then

maintaining his mute, surly dignity, he gazed steadfastly forward at the glooming mountains.

Marcella, still grave and silent, had risen from her chair, more circumspectly this time, and the spinning-wheel was not overturned, although the "frequent visitor" put up his arm to guard against it. He had been greatly edified by the disastrous commotion, and had briskly turned his placid face, lighted with an animation that might have hitherto seemed impossible, from one speaker to the other. A shade of regret crossed it as he noted Marcella's movement, but it was in a jocose undertone that he demanded, "Whar be *ye* a-travelin' ter, Marcellly?"

"I be a-goin' ter dish up supper," she answered stiffly, and with her voice at its usual pitch. She held herself a trifle more erect than usual; some sudden defiant bourgeoings of pride were perceptible in her manner, as she threaded her way through the group, but in passing Jepson her long lashes swept her red cheek, for she could not encounter his gaze.

"I'll be bound everything air burnt ter a crisp," said the officious Isabel, but looking hopefully over her shoulder into the dusky brown interior. It was lighted only by the smouldering fire, that cast a gigantic shadow of the slight Marcella upon roof and walls, and a grotesquely magnified and frightful image of the old hound. For the dog of the "frequent visitor" was singularly accomplished in accurately understanding the English language, and had sprung up with much youthful alacrity upon the mere mention of supper.

He had followed the girl into the room, and sat beside the hearth, watching with anticipative delight each dish as it was borne to the table, licking his chaps with a zestful expression; now rising up suddenly, and then composing himself to sit down again, while his shadow on the wall made queer genuflections and obei-

sances to the table with all the ardent spirit of a gourmand.

Without, the old woman seized the opportunity. She sat for a moment demurely silent; then, shaking with her internal chuckle, she said in a low tone to Teck, —

"Marcelly's plumb outdone, I know, 'kase *ye* hev fund out ez she war streck with yer good looks, Teck, an' called ye han'some. Laws-a-massy, gals is mighty purblind an' foolish critters; they think the men air gin over ter studyin' 'bout'n 'em, an' tryin' ter sense what they mean, when the fellers, mos' likely, air jes' standin' with thar arms a-kimbo, a-lookin' at the weather-signs, an' a-wonderin' what the chances air fur huntin' ter-morrer."

She glanced toward Jepson with a laugh, expectant of ready acquiescence. But there was upon his face, distinct enough even in the closing shadows, an expression so haughty, so aloof and unresponsive, that the little dame was at first perturbed and troubled, but presently grew angered in turn.

"A spiteful sinner!" she exclaimed to herself; "mad now, jes' 'kase Marcelly 'lowed he hed no religion, — an' he ain't got none."

All her facile cleverness was roused, however, and she was mindful, too, of the interests of the approaching election. Thus, although she struck, it was with a cautious hand and a crafty insight, the processes of which were hardly realized.

"But I reckon, mos'ly," she said, lowering her voice cautiously, "ez Marcelly war tormented, bein' feared ez Clem Sanders mought hear somehows ez she hed been streck with yer good looks. I'll be bound *that* skeered her."

She forbore a moment to mark how her shaft had sped. She sat motionless, her feet perched on the rung of the chair, and she looked very small and unintentional, and reflective, as she placidly contemplated the night scene. The

fireflies fluctuated in the dank shadows, that gloomed dusky about the porch; now a glittering point close at hand, now a momentary gleam far away in a bosky tangle, still multiplying, till they seemed some elusively glittering network spread as a snare for the darkness. The mountains were invisible in the blackness, save for their rigid summit-lines. The frogs chanted by the water-side, and katydids were monotonously shrilling in the orchard. The grating of Teck Jepson's chair on the floor, as he abruptly shifted his position, was the only sound that broke upon the quiet with the jarring effect of interruption, and as Mrs. Strobe turned she saw his face thrown into strong relief by the rays of a tallow dip within, which Marcella had just kindled. The white light streamed forth as far as the great gourd-leaves behind his head, eliciting their faint green color with the interstices of olive-hued shadows. His face had relaxed; it was haughty no longer. There was an alert anxiety in the blue eyes which the mountain girl fancied so deep. He had taken off his hat, and pushed back his dark hair from his forehead. He was frowning a little, and yet he hardly noticed the sudden flare of light upon his face; his compressed lips had softened, had parted. He said nothing. Another voice came out of the darkness: —

"I dunno what Clem Sanders mought undertake ter set hisse'f up ter git mad fur, 'kase Marcelly 'lows ez this one or that one air good-lookin'," Woolly spoke up, with an acrimony and a decision which showed that his discourse was not exclusively confined to the placid "baa." "Clem Sanders hain't got no right ter say nuthin' 'bout good-lookin' folks, the Lord above knows, all marked up with cinders an' soot ez he be. I'll be bound Marcelly ain't a-goin' ter interrupt herse'f studyin' 'bout what Clem Sanders thinks 'bout good looks."

"What ye talkin' 'bout? Hev yer senses deserted ye?" the grandmother

remarked to the "frequent visitor," with a tart familiarity induced, perhaps, by the frequency of his visits. "Ye can't expect a blacksmith ter be nuthin' but cindery an' sooty. — like folks ez plough gits miry. None ter choose twixt 'em, I 'm a-thinkin'."

"Yes 'm." Andy Longwood made a feint of acquiescence; then continued droningly, as one who has a grievance, "But Marcellly ain't mindin' Clem Sanders, — else she ain't the gal I take her fur. Looks so grizzly an' sooty, I ain't s'prised none ef the Satan ez Pa'son Donnard seen settin' on the anvil in the forge warn't nuthin' but Clem hisself."

"Shucks!" said the uncompromising Isabel. "*He* hed wings an' hawns, 'cord-in' ter pa'son, an' Clem hain't nare one."

"Waal, I don't keer," growled "Woolly." "Clem 's a sight ter be seen, a scandal ter the jaybirds."

"That don't make no differ!" cried the little old woman, staunch in argument. "Blacksmithin' air a powerful fine business; the folks in Brumsaidge could n't git along 'thout Clem. An' 'fore him, — shucks! way bac' in the Bible times they hed smiths. an' I reckon they war ez sooty an' cindery then ez now; dirt ain't improved none noways, ez I onderstan', sence them days. Thar war a man then, what the Bible speaks respec'fully of, by the name o' Tubal Cain, — a cunnin' workman, — warn't thar, Teck?" She appealed to him with animation as to a biblical authority, expecting an eager and interested response; but he only said, "Yes 'm," with an evident effort, cleared his throat, and was silent.

Eli Strobe had risen in obedience to some signal from within. "Kem in to supper." His big voice rumbled out with all its wonted intonations of hospitality. If Jepson had not been otherwise absorbed, he might have noted the candidate's self-control and self-repression, remarkable in so tantalizing an episode. It did not escape Mrs. Strobe's keen

attention, and she deported herself with a trifle of gay bravado, feeling beyond the reach of retribution, since the dictates of policy so hampered deserts.

"Waal, sir, eatin' supper by a taller dip, — who ever hearn the beat!" remarked Isabel. • "A leetle mo', an' we would all hev gone ter bed hongry."

"It do be a powerful late supper." Mrs. Strobe had a slightly harried aspect; if conscience abode within her, it wielded its power in her housewifely instincts. "Be ye hongry, Teck, — ye an' Andy an' Eli? It 's all Marcellly's fault, a-furgittin' ter dish up supper till nigh on ter bedtime. An' me, too: I jes' sot an' talked, I will 'low, ez ef my tongue war tied in the middle an' workin' at both e-ends."

The feeble focus of the candle glowed with dull yellow light in the centre of the table, sending out a subdued glimmer upon the faces that surrounded it amidst the encompassing obscurity. A vague glimpse was had of the smoke-blackened ceiling just above, with a rich dash of color where a cluster of strings of red peppers hung. The walls darkly merged into shadows; the fire was a dull, tawny-tinted coal; the ceaseless night sounds came through the door, — the chirring of insects, the sigh of the woods, and the fret of the torrent. As Marcella waited upon them, she was invisible for the most part in the dark periphery of the circle: sometimes there were transitory visions of the fair dispenser of hospitality, the white light falling on her delicate face, and floating hair, and rounded arm, and deft hand, as perchance she leaned forward and tendered the cracked blue bowl of honey to one or the other of the guests; then only an alert, noiseless shadow, slipping about in the kindred gloom.

It was a silent meal, albeit the little old dame and Isabel were among the partakers. When they all repaired again to the porch, they found the moonlight there, with yellow slanting rays and

long, melancholy shadows, and the distorted waning disk itself hung in the purple spaces above the black mountain that the house faced. The fireflies were quenched; only now and then a feeble gleam stole forth from a dark cluster of gourd-leaves. The perfume of the orchard was sweet on the air; the dew glittered on the low summits of the old gnarled trees. The men and the old woman lighted their pipes, and the coterie silently smoked, while Marcella sat on the steps of the porch, in the full radiance of the midsummer sheen, her idle hands folded upon one knee, her lustrous eyes turned upward to the moon, the wind lightly tossing her curling hair. Within, the candle still sputtered, while Isabel washed the dishes and pans, — this being her allotted task, — and made a great clatter to better express her industry.

It was all very still without; a constraint oppressed the group. Each had regrets in the premises, and harbored resentments. The occupation of smoking, the meditative languor which the consumption of tobacco warrants, precluded the necessity for conversation, and afforded an interval for the recuperation of the downcast spirits of the company. Small wonder that Clem Sanders, listening from his roof-room window, heard no laughing or talking at Strobe's!

Suddenly the shrill clamor of a screech-owl invaded the nocturnal quietude; again and yet again, with its sinister, mirthless chuckle supplementing and seeming to ridicule its own hysteric outcry. It grated upon the nerves of Mrs. Strobe, already subjected to some unusual tension.

"*Laws-a-massy, jes' listen ter that thar n'isy fow-el. He be a-goin' ter screech thar haffen the night, I'll be bound; an' he air a sure sign o' death, ter holler nigh a chimby. Jes' listen at him, now, a-laffin' at the corpse!*" Once more the low, joyless, mocking merri-

ment jarred the air. "Take yer dad's gun thar, Marcella, an' run down in the orchard, an' fire it off at him. He be right yander in that thar sheep-nose apple-tree."

Marcella rose slowly. "I'll drive him off," she said, "but I ain't a-goin' ter fire no gun off at him; the critter hev got ez good a right ter live ez I hev. I'll fling a sheep-nose apple at him, an' that be ez much ez I be a-goin' ter do ter him."

"Listen at the sassiness of the stiff-necked generation!" exclaimed the old woman, evidently the exordium of a tirade against the young folks nowadays. But Marcella was already far down the grassy slope, and out of hearing; and with one scornful glance after her, Mrs. Strobe put her pipe into her mouth, and sourly relapsed into silence.

The high grass, tasseled and rank, glimmered with dew, as Marcella went. The moonlit spaces wore a finer and a fairer lustre for the deep romantic shadows that hung about the boughs. There were long and glittering arches, where the fruited branches interlaced, and in the dappling shade beneath, the boles, all at regular intervals, had a columnated effect; and these arboreal aisles seemed endless. Even the homelier incidents of the orchard shared the enchantment of the moonlight: some blight that had fallen on one of the goodly branches had bereft it of leaves and fruit, and a web that had been woven about it shone, a refulgent gauze, and radiated a delicate and fibrous splendor. Down these simple ways she went, the light upon her face; her hair fluttered with the slight breeze; her step was sure and free; she seemed so ethereal, so fine, so fair, that she too might have been some embellishing fantasy of the night. The bird of ill-omen had ceased to cry, as if her very presence exorcised all evil fortunes. She paused, gazing upward, the moonbeams full on her shining eyes, her floating hair, her oval face. She

had lifted one arm and laid hold of a fruit-freighted bough. It seemed strange that she did not see the owl, so well she realized how it must look, up among the boughs somewhere, demurely silent, shuffling down and suppressing, as it were, its fearful identity among its mottled feathers, its head askew as it watched her with its big yellow eyes. She had her hand upon the retributive apple; a sudden footfall, — Teck Jepson was approaching along the dewy colonnade.

The owl was safe, very safe indeed: a pity that the "fowl" might not have known this, and have spared itself the anguish of fright that it endured, as it sat almost within arm's length, discreetly silent, refraining from stirring claw or feather, and wisely looking down upon them.

The bough was shaking with more than the wind, for Marcella's hand trembled on the unplucked apple.

Jepson's hat was thrust on the back of his head. His face, too, was distinctly visible as he approached. Somehow he had never seemed to her so tall, so imperious of temper, so impressive, as now. But there was a trifle of embarrassment in his manner, and he only said, —

"Whar's that thar ow-el?"

"I dunno," faltered Marcella.

He did not seem to care. His mind was evidently little concerned with the "fow-el."

He paused, looking steadily at her, as if he expected her to speak again. But she still stood silent, the moonlight in her lustrous eyes and on her upturned face, her hand on the apple as it swung on the low bough.

"I never expected ter hear ez ye had been talkin' 'bout me that-a-way; I never looked fur it," he said.

The quick color surged into her cheeks; her eyes flashed; she let go the bough so suddenly that, swinging elastically into its place, the little owl was almost dislodged from its perch, and it

tightened its toes and even slightly spread its wings to keep its balance. It uttered a low sound, a sort of mutter, that they might have heard had they not been too absorbed; and it was with a sort of resentful dignity that it settled itself again in its feathers, and cocked its head askew, and looked down at them with its round, bright eyes.

"An' I dunno what sorter man ye kin be, ter kem makin' remarks ter me bout'n it," she cried indignantly.

"I hev knowed ye sech a little time, I reckon nobody would hev expected sech from you-uns," he resumed.

She stood for a moment in blank amazement. Then she seemed ready to burst into tears. "I never said it 'cept ter granny, — an' who would hev thunk o' her settin' up an' tellin' it all ter you-uns, not knowin' ye war the same one? Ye never tole we-uns yer name, that evenin'. I jes' 'lowed ye war kin ter Bowles."

"I don't keer who ye said it ter," he declared, his voice full of reproach. "I ain't keerin' fur nuthin' 'ceptin' ye thunk it, — an' I never done nuthin' ter make ye think it."

Once more she looked at him, aghast. She put up her hand again to the bough, now for the sake of support.

"Tellin' folks, an' settin' out ter b'lieve ez I be a hypercrite, an' *purtend* ter be pious, an' " —

"Oh!" she exclaimed, with a note of comprehension and relief so marked that he paused abruptly, and demanded sternly, —

"What did you-uns 'low I war talkin' 'bout?"

She did not answer. Her expression suddenly changed, as she stood under the bough. No dryad, no ethereal native of the tree, could wear a face more airily lightsome, more elfinly gay, than she, looking out through the sheen and the flickering shadow.

"Waal," said he, staring blankly at her, "what war ye a-talkin' 'bout?"

She only shook her head in gleeful silence.

"Ye never said nuthin'," he resumed, seeking to review the conversation that he might unravel its mystery, "'ceptin' I war a — a" — he stumbled at the word, — "a hypercrite, an' a sinner; — yes, an' special good-lookin', but I never minded *that*."

Her face had grown conscious again. "I reckon not," she remarked dryly.

"Ye mind that, though," he said penetratingly, at last; "that's what ye thought I war talkin' 'bout, hey? Waal, I jes' mind ye callin' me a sinner an' sayin' ez I *puttend* ter be pious."

He noted her instant relief at the change of the subject. "Ye don't mind folks knowin' ye called 'em sinners," he continued, "but whenst it comes ter *handsome* sinners" —

He desisted, for the sake of the look in her face.

"I tell ye now, Marcellay," he said gravely, as they mechanically took their way together toward the house, "ye may 'low ez I be hard-hearted, an' cruel-eyed, an' got no religion, but I be a-goin' ter forgive ye fur them words, — like a Christian!"

It was the first wrong that he had ever overlooked. He found forgiveness easy to be exercised, and very sweet.

She stole a shy look at his face. "That's powerful good in ye," she said softly. "I war jes' a-talkin' ter be a-talkin', an' " —

Their shadows, close together, followed them over the shining grass, and for a time they were silent as they approached the group on the porch.

He paused abruptly, and looked down at her.

"An' I don't want ye ter be aggravin' yerse'f by 'lowin' ez I ain't goin' ter do all I kin fur Eli in the 'lection. What ye said ain't goin' ter hender. I 'll vote fur him, an' git all others I kin ter do likewise."

Marcella began to experience a sensa-

tion as of coals of fire heaped upon the head. She could only murmur, "I war jes' a-talkin' ter be a-talkin'."

That night, from time to time, as the hours wore on and the house was still, the little owl in the apple-tree lifted its voice and shrilled aloud, and laughed in sinister and chuckling mirth, while the moon slowly climbed the skies. And Mrs. Strobe, turning on an uneasy pillow, evolved bitter reflections concerning the inefficiency of the present generation.

"Sen' two hearty young folks — one of 'em mos' seven feet high 'ceptin' what's lackin' — down inter a orchard ter fling a apple at a owl an' drive him off, — an' a body would think they hed invited the critter ter bide ter supper, an' sing hyme chunes arterward."

VI.

Whatever might be the character of the nocturnal visitant of the forge, it seemed safe enough in the broad glare of noontide; and as it was the voting-place of the district, it was by no means deserted on that momentous Thursday in August when the election was held. Marcella had felt throughout the canvass the terrible strain of suspense, but when the day had drawn near she was deprecatory of decision, and wished that if the worst must be it might not be at once.

"A body would 'low, ter hear ye a-goin' on, that Eli war ter be hung ter-day," her grandmother remarked, tartly. "He ain't los' a ounce o' flesh nor a hour o' sleep sence he war a candidate, an' he went off from here this mornin' high-colored ez common. An' look at you-uns — big-eyed, an' pale-faced, an' lean-lookin', an' fluttery — drapped the blue bowl an' bruk it in two; an' Is'-bel patterns arter ye, till thar ain't no ch'ice fur a fool 'twixt ye. Shucks! I mus' be mistaken," sarcastically; "they be goin' surely ter hang Eli."

From time to time, during the rich and dewy morning hours, when the bees droned about the blooming clover in the orchard aisles, and the birds were abroad in the highways of the skies, Marcella parted the sheltering gourd-vines on the porch, that she might look forth unobserved upon the voters gradually assembling at the polls. She knew many of them by sight, and was informed concerning their disposition toward her father's pretensions; and thus her heart weighed heavily or grew buoyant, as enemies or friends were in the majority. They came chiefly on horseback, and there were rows of saddle-horses hitched to the rack before the wide door of the forge, and to the boughs of trees hard by, and even to the badly chinked logs of the building itself; sometimes they dully drowsed, sometimes impatiently pawed, sometimes fell to bickering together, and necessitated the interposition of their masters to readjust their status. Many of the farmers had come in ox-wagons. The teams had been unyoked, and were leisurely munching the feed, spread out in the dappling shadows upon the ground before them. Casting a vote, the inalienable right of an American citizen, seemed a lengthy and serious matter, and was not to be lightly discharged; during the main portion of the day it busied the denizens of the surrounding slopes, and thus deliberately they saved the country. The assemblage presented, therefore, something of the aspect of an exclusively masculine picnic, for such women and children as had been permitted to gratify a long-cherished hankering to "view" the populous *Settlement* had hid them decorously to the houses of various relatives, — the tender ties of consanguinity thus utilized on this auspicious occasion, — and were seen no more during the day. Old friends met, and smoked, and talked at great length. The well-being of crops in various localities was anxiously inquired after; old gossip that had

been on its last legs suddenly developed a new and brisk pair of members, and circulated like a fresh scandal. Pa'son Donnard could not have failed to hear his name excitedly coupled with that of the devil, as he threaded his way through the crowd; but mindful of his vision, he placed no false nor sensitive interpretation upon this association, and there was an elongation of his thin compressed lips which in an ungodly man one might have thought singularly like a smile of flattered vanity. The heavy jeans-clad mountaineers reverently made way for him, and there was a perceptible abatement of the guffaws and slowly drawled jokes as he passed. But as in more cultured communities, the observance and the feeling are not always in close compatibility, and the criticism he encountered was as if he were of this world.

"I dunno why pa'son be 'lowed ter vote," said Joe Bassett, as he sprawled on the protruding roots of a tree; one or two mountaineers perched hard by on the tongue of an ox-wagon from which the team had been released, and a third half reclined on a saddle which he had thrown upon the ground. "Pa'son can't run fur nuthin'," continued Bassett; "he can't go ter the Legislatur', nor nuthin', nor be sher'ff. They don't let preachers hold office, nor butchers set on a crim'nal jury," — thus seeking in his ignorance to reconcile the incongruities and oddities of the law.

"Pa'son oughter be a-studyin' 'bout a seat 'mongst the angels, stiddier gittin' registered 'mongst the qualified voters o' the deestric'," said Gideon Dake, who always confirmed Bassett's views, or added corollary matter.

"What be Teck Jepson a-bobbin' 'bout fur, like a float on a fish-line?" demanded Bassett. "Actially a-stoppin' the pa'son mighty nigh at the door of the forge. Looks ter be a-wrastlin' in prayer with the old man, — in an' about goin' ter save the pa'son's soul, fust thing ye know."

"Hain't you-uns hearn," said Dake, quickly seizing the opportunity to regale the professed gossip with a new story, "how turrible smitten Teck Jepson an' Marcelly Strobe hev got, all of a sudden? An' Teck air a-workin' fur the 'lection like he war demented. I made him beg an' beg *me* fur nigh on ter a hour ter vote fur Eli, — like I hed counted on doin' all the time. Now Teck's argufyin' with the pa'son."

"Every time I hear o' Marcelly Strobe she hev got another feller a-danglin'. 'Pears like ter me she *mus'* be a-foolin' some o' them boys," Bassett commented sourly.

"Laws-a-massy, jes' look at Teck," said Dake, laughing slightly, albeit his teeth were closed hard upon the quid of tobacco in his mouth, "he hev gin the old man his arm an' air jes' a-draggin' the pa'son up ter the polls! Would n't trest the old man's word ter vote fur Eli; gone in ter see the job well done. Waal, sir," — he shifted his position as the young and the old man disappeared together within the door, — "that's jes' the way he done me. I could n't hev got away from him, arter I hed promised ter vote for Eli, ef I hed wanted ter."

There was a momentary hiatus in the conversation, when a tall, lank man, some twenty-eight or thirty years of age, with high cheek-bones and a sunburned, narrow face, joined the group. He had a brighter, quicker glance than was usual among the slow and dawdling mountaineers, and a smouldering spark of irritation aided its effect. His countenance wore a ready and propitiatory smile, the candidate's smile, that seemed automatic in some sort, and not subject to the same springs that sufficed as motor for his other expressions. He flung himself upon a pile of shucks and hay, the forage of neighboring oxen, and he chewed a long straw as he talked.

"Hy're, boys," he said, agreeably. "How do the chances o' the 'lection 'pear ter you-uns?" For he was Joshua

Nevins, a candidate for constable, and Eli Strobe's much-feared rival.

"Mighty well," said Bassett, reassuringly.

"Why n't ye go an' vote, Dake?" said the candidate, leaning forward to scan Gideon Dake's countenance.

"Ye ain't goin' ter try ter git folks ter vote twict, air ye?" said Dake, jocosely. "I hev voted wunst ter-day, an' they tells me ez that be ez off'n ez the law allows."

"I hopes ye voted the right way," said Nevins, with a bland and mollifying demonstration of the candidate's smile.

The specious Dake nodded his head convincingly. "I'll be bound I did," he said equivocally, and yet so unequivocally that the momentary fears of the candidate were set at rest.

The others, mindful of Dake's recent representations as to the casting of his vote under Teck Jepson's tutelage, experienced a certain embarrassment and preserved an awkward silence, none arrogating the tact to innocuously continue the conversation. If the candidate be a wily genus, the craft of the voter is sometimes commensurate.

Nevins seemed the most innocent of men, as he himself reopened the subject. He had approached the group with the intention of merely commending himself by some timely and jocose observations, and then strolling to other coteries. He had, however, encountered unexpected opposition to-day; he had thought himself almost assured of success, and when the doubt began to arise in his mind, untutored to jeopardy, he felt himself losing his balance.

"What ails Teck Jepson, ter git so sot agin me?" he observed, anxiously. "He hev jes' been a-bouncin' aroun' electioneerin' fur Eli ter-day like — like — a chicken with its head off. I axed him awhile ago, — I beckoned him off, an' I say, 'What ails ye, ter work agin me, Teck? I ain't done nuthin' ter you-uns, hev I? Air ye holdin' a gredge

agin me?" An' he said, "Don't ye know I be kin ter Eli nowadays? My half-brother married his cousin," Teck say. Shucks! I know that ain't the reason." He looked in plaintive interrogation at the others.

"Waal, things turns out mos'ly ez they air bid from above," said one of the men, with an unexpected attack of piety.

Nevins looked lugubriously at him. This was an arbitration to which he was not prepared to submit. He was feeling exceedingly helpless in the hands of Providence.

"I dunno 'bout that," he observed. "Things in Brumsaige turns out mos'ly ez Teck Jepson wills, an' Providence sings mighty small."

Then reflecting that this was a dolorous prognostication in his own behalf, he gathered himself together as jauntily as he could, and declared, "But Teck Jepson's rule is over. Folks in Brumsaige hev tried Eli Strobe, an' he did n't 'gree with 'em, — he seen too much '*Eli Strobe, Big Man!*' in his office, ter suit 'em; an' now they air lookin' fur a man what jes' wants ter sarve the people, — an' that's my bes' wish."

The others sat and gazed solemnly at him, all meditatively listening. For a moment there was no sound but the munching of an ox close to him, as the beast pulled at the pile of fodder on which he reclined. As the great horns came threateningly near, he threw up his hand, and the ox drew off with a muttered low of surly dissatisfaction.

"I can't onderstan' Teck, though, — I counted on him." He returned to his grievance with a lapsing courage.

"Waal, ye mought ez well not," said an old codger, with a grin. "Hev you-uns got a darter, seventeen year old?"

The young man stared at him in amazement.

"Course I hain't."

"Waal, that's one o' the special qualifications of a candidate," continued the

elderly wag. "Ye oughter hev been purvided — seventeen year ago — a tall, high-steppin' darter, with long curly hair; that's what ye need, ter run agin Eli."

Nevins was silent for a moment, in painful consciousness of this lack. He was a good-natured fellow, and had thought his two small boys at home possessed of all the filial graces and values, and he had never expected to be summoned to covet a tall daughter of seventeen. He resorted to contradiction.

"That thar gal o' Eli Strobe's ain't seventeen," he declared, "nor no higher'n my vest pocket. I know her. I useter see her constant."

"Waal, she's been agein' an' growin' sence then. Leastwise, she's tall enough an' old enough ter make Teck Jepson step around mighty spry. I ain't seen better electioneerin' fur forty year. I hed counted on the pleasure o' hevin' Eli goin' roun' hyar with his finger in his mouth, but I'm feared o' that gal o' his'n. Clem Sanders, too, war a-waitin' roun' the forge fust thing this mornin', a-pinin' fur nine o'clock, so ez the jedges would declar' the polls open, an' let him put in his vote fur Eli. His ticket 'peared ter burn his fingers till he got it inter the ballot-box."

"He in love with her, too?" asked the candidate drearily. He had never anticipated these potent odds. What avail was it to parade the virtues of citizenship, to vaunt his capacity and his will to serve the people in the office to which he aspired, — with tricky Cupid afield!

Nevins rose presently, the straw still in his mouth, his hat pulled far over his brow, and sauntered down toward the forge. The great red and white ox instantly planted his cloven hoof where Nevins had sat, and took possession, as it were, of the pile of forage, trampling it down, that it might not afford further resting-place for loitering politicians.

The post-meridian sun was now a trifle

aslant upon the valley below; the purple shadow of the summits had begun to creep down the green slopes. How warm was the fragrance of the grapes, hanging upon a great vine that draped an oak from topmost bough to root, and which was pillaged as high as the arm of man could reach! The tall weeds were all resounding with the whirl of acrobatic grasshoppers, now and then leaping amazingly high into the air. Not a note came from the birds now; not a wing was astir. All the landscape shimmered through the noontide heat. The forge, where the three judges of the election sat with the precious ballot-box, of which they were sworn not to lose sight till the polls were closed and the vote counted out, seemed a quiet and cool refuge, with its dark shadows, and its high, tent-like roof, and its unchinked walls, affording glimpses of the green vistas without. The little window at the rear, into which that mysterious semblance of the smith had stared, pale and reproachful, at its vigorous living self, was wide open; showing now a squirrel frisking by on the mountain slope, and now only a devious winding path amidst the greenth up the mountain-side, with the trumpet-vine a-blooming scarlet over a gray rock, and in the low branches of an elder-bush a bird on a nest. Now and then faces were thrust in at this window, — most often young and beardless, but sometimes old and grizzly, — to curiously scan the judges and the practical illustration of the theory of election by suffrage. The judges, in rickety chairs, tilted on the hind legs, demurely smoked their pipes, while the clerk sat at the pine table on which the ballot-box rested. The hearth was fireless, the hood smokeless, the anvil silent. The stir outside came cheerily in, and when the line of voters slackened, and no ballot had been deposited for some time, and the interest of the proceedings seemed indefinitely suspended, the judges looked wistfully through the open door, and were not

consoled for the dullness by their pre-eminence and responsibility and conspicuous honors. That spirit of humor, always freakishly manifest in a crowd, was quick to seize on the situation, and occasionally remarks were made outside, pointed and personal, obviously intended to be overheard within.

"Did you-uns know ez Jethro Peake war jedge o' 'lection?" demanded one tousled-headed apparition, at the famous batten shutter, of an unseen crony without.

"Never knowed he war jedge o' nuthin' 'ceptin' 's jedge o' whiskey," the unseen crony replied.

And with these trivial incidents were bridged the intervals when it seemed as if all the district had voted that cared to vote, and that there was naught more for the judges but to sit in stately isolation, till the loitering summer sun should dawdle down the western sky, and the hour come when it would be lawful to declare the polls closed.

After a long time, when the stir of passing feet, the sound of talking and laughter, the champing and whickering of horses, had been more than usually marked to the tantalized referees, whom the county court combined to honor, they noted that an expectant stillness fell suddenly upon the crowd. Then half a dozen men pushed into the blacksmith shop, and turned about with excitement, as if to await and watch an entrance at the door. Other men stood by without. There were half a dozen heads at the little window, and the batten shutter was swinging. The bird had flown from her nest in the elder-bush to a bough of a dogwood-tree above, and perched there, with quivering, outspread wings, and a feverish, excited eye, and a harsh, querulous, ceaseless chirring. A ray of sunlight fell through a rift in the clapboards like some splendid glittering lance, reaching from the dusky, peaked roof to the "dirt-floor" beneath. Somehow, the polished face of the anvil

caught a beam and reflected it, — all else was dark and shadowy; even through the broad door the light was only a vista of deep green leafage and harmonious gray commingling tones, hardly definite enough to be called shadow, but of tender and modulating effects; and the ploughs left to be sharpened, and the wheels to be tired, and the bar on which the smith's tools hung, were but dimly descried. Thus stepping suddenly into this shaft of light, Jake Baintree's figure was singularly distinct, but was not instantly recognized by the judges. One of them slowly brought down the forelegs of his chair to the ground, and sat looking at him, one hand on either knee, and with a round, red, wondering face and an inquisitive eye. So long it had been since Baintree was familiarly seen in Broomsedge — going thence a strippling, returning a man — that the certainty of his identity gradually dawning on their minds was not recognition, but inference. Who else unknown would present himself to cast his vote in their midst? Who else wore so blanched a face but the jail-bird; long shut in from the sun and the wind and all the familiars of the weather? He was very tall and slender, and very soft and deft of step. In the shaft of light in which he stood, the extraordinarily sharp, clear cutting of his features was apparent. His hair was black and sleek, and lay close to his narrow head; it had a fine and thrifty look, like the coat of an animal. He seemed very meek, but for all that his gray eye was uncertain, it glittered. He looked about him with a comprehensive understanding, unlike the dawdling inattention of the mountaineers. Despite the brown jeans that he wore, he was unlike them in many subtle, indefinable ways. As he offered the closely rolled scroll, his vote was challenged by one of the judges, and he was quick and ready and self-possessed, and took the oath which Jethro Peake administered with a steady manner, and

evidently with a deliberate intention. He wished, perhaps, the crowd thought, to show that he was entitled to vote; that whatever they might say, the law held him innocent and denied him none of the rights of citizenship. Still with one hand on each fat knee, and sitting very upright, Jethro Peake, his round, red face, with a bristly, unshaven stubble about the chin, solemn with the sense of the dignity and importance of the occasion, demanded, —

"Air you-uns cit'zen o' Tennessee?"

"Yes, sir."

"Twenty-one?"

"Yes, sir."

"Reside in this county?"

"Yes, sir."

"Resided hyar six months 'fore this day?"

"Yes, sir."

As the vote, the first he had ever cast, was accepted, he looked curiously on, while the closely rolled scroll was dropped unread into the ballot-box. Somehow he seemed unaccountably disappointed by the mysterious silence in which his choice was enveloped. He walked slowly toward the door, looking back over his shoulder at the guarded ballot-box. Suddenly he remarked in a strange, offhand manner, "I ain't keerin' who knows how my vote be gin. I scratched one name off'n my ticket. I know how ter write Eli Strobe."

There were the makings of a politician in Joshua Nevins; he answered instantly from out the crowd, "I kin spare yer vote, Jake Baintree. An' ef I can't, I'd ruther be defeated than hold office by the favor o' a scape-gallows."

There was a sensation in the crowd, and some "scratched tickets" were presently deposited that might have shown, if unrolled, another name written in, that was *not* Strobe. There was a change in the atmosphere of popular feeling. It was not definite, but Teck Jepson, with a thousand fine fibres of sensitiveness, newly developed, which

he had not known he possessed, became painfully sensible of it, and fiercely complained to Eli Strobe.

"I'm minded ter fling ye over the fence, Eli," he said. "Ef ye hed n't gin yerself ter upholdin' that thar Jake Baintree, ye would n't hev been lumped with a murderer like him."

Eli Strobe rested his slow, pompous gaze upon his friend.

"He ain't no murderer. An' ef he war, his votin' fur me don't lump me with him."

He turned his heavy-lidded, full-lashed eyes ruminatively upon the landscape, and said no more. Despite his deliberate burly dignity, there was a sense of trouble and perplexity about him, indefinitely perceptible, and he evidently listened heedfully when his friend and backer rejoined, —

"Waal, his votin' fur you-uns, an' tellin' it out that-a-way, will make a heap o' folks vote agin ye. I be powerful glad it never happened no sooner 'in the day, an' ye hev got what ye hev got. What ailed the darned idjit?"

"I reckon he 'lowed he war doin' me a favor," said Strobe, with unexpected moderation. "He wanted me an' all the folks ter know ez he war fur my 'lection. He never voted afore. An' he hev been cooped up in jail so long he don't 'pear ter sense much 'bout some things. An' yit, 'bout others he 'pears powerful sly. Pore feller!"

"Poor fool!" ejaculated Jepson, irritably. "What ails him ter set his heart — dog gone him! — on yer 'lection?"

He grudged Jake Baintree any sentiment that he shared.

"Waal," said Eli, hesitating, "the folks down ter my house tuk some thought o' his'n whenst his trial an' imprisonment war goin' on, an' I reckon he feels thankful. Marcellly air one o' them kind ez can't rest enny ef she 'lows ennybody air hongry, or lackin' ennywise; an' she toted 'em yardin

truck' whenst they never planted, an' helped 'em sew an' weave whenst they hed no heart ter work. It's the natur o' Marcellly."

Jepson stood with his hands in his pockets, his brows contracting heavily over his blue eyes, that the candidate's daughter had thought so cruel and yet so deep. His hat was drawn down over his face, and the shadow of the beech-tree, circumscribed to its minimum by the almost vertical sunshine, was soft upon it. He turned mechanically when others joined the group, and he listened with frowning displeasure to the suggestions of defeat that seemed somehow to be suddenly and bountifully deduced.

"I be powerful afeard I hev flung my vote away on ye, Eli," said Gideon Dake. "I never looked ter see ye hev sech a backer ez Jake Baintree," with a jeering glance. "An' some others say the same."

"An' yit," said Jepson, feeling keenly the instability of popular sentiment, "the tother day, whenst I purvented him from gittin' baptized 'mongst the saints, a body would hev 'lowed ez haffen the church members could n't rest easy in the fold 'thout Jake Baintree 'mongst 'em. Sech a haulin' over the coals ez I got! An' now ye ain't willin' fur him ter jine ye at the polls, whar the devil's vote would n't be challenged ef he hed been livin' six months in the county."

Dake made no defense of this lack of logic on the part of the community, but fell to whittling a stick with a large clasp-knife, as he leaned against the bole of the tree.

"That ain't what makes me oneasy 'count o' Eli," put in an elderly grizzled wight with an air of pleasure, fetching cumulative disabilities into the discussion. "Eli hev been *too* spry ez constable; he hev been *too* keen ter pry inter the doin's o' folks agin the law. Now Nevins, he mought do the same, an' then agin he mought n't. He hain't been tried, — that's the main chance. No-

body's got no gredge agin him, dunno nuthin' 'bout his doin's in office. But Eli, he hev been *too* sharp-set ter administer the law."

"Look-a-hyar," argued Jepson, "ye be a-takin' arter the man fur doin' of his jewty."

The elderly interlocutor prefaced his reply by an astute wink. "His jewty air ter *please* the people, ef he wants ter git 'lected agin!" — a golden rule for incumbents.

Jepson relapsed into moody silence, and this choice reasoner proceeded with an illustration in point: —

"Eli can't 'low sleepin' dogs ter lie. He ain't got no 'scrimination. He dunno who ter sot the law onter, nor who ter muzzle it fur. Thar's old Jer'miah Miles jes' drewed a pistol ter skeer some o' them bad boys out'n his water-million patch, an' Eli, passin' by, druv the boys out'n the patch, an' then ups an' 'rests the old man fur kerryin' concealed weepens. Thar's fourteen o' the Miles kinsfolks kem hyar ter vote ter-day."

If the officer had done amiss, his punishment seemed likely to be greater than he could bear. Like most people brought into propinquity with the law, Eli Strobe sought to furnish a precedent rather than a justification. "Waal," he argued, barely lifting his eyelids, "Sam Blake" — his predecessor in office — "would hev done the same."

"Shucks!" exclaimed the other. "I kin jes' hear Sam Blake a-hollerin' ter them boys, 'Git out'n this melon patch, or I'll be the death o' ye! I'll jail ye 'fore night.'" Then dropping his rough voice to dulcet courtesy, "'Mister Miles, got enny o' them fine cantaloupes ter spare fur my saddle-bags?' I say, arrest old Miles fur kerryin' concealed weepens! Sam Blake would jes' hev begged a few melons, that's all, an' never seen no pistol."

Teck Jepson could ill adapt his intolerant and domineering disposition to the

prospect of defeat, even when the cause was not his own. He had made to-day perhaps the greatest sacrifice to his affection of which he was capable, bending his pride to beg of the community favor for another which he could never have been brought to ask for himself. He was weary of it all, and dispirited, and the continual collision, in which he must restrain himself rather than constrain others, irked and chafed him. If, among the narratives upon which he loved to brood, he had ever heard of aught so modern as the romance of the Middle Ages, the idea of a knight sallying forth in search of noble adventure and deeds of prowess, whereby he might prove himself worthy of the favor of the fair, would have commended itself as cheap and easy in comparison to his devoirs to earn the gratitude of the candidate's daughter.

There are times that come to all of us when the trivial incidents of the world pall, when the presence of crowds weighs upon the spirit, when existence seems petty and sordid, and we look back to some period of solitude, rich with quiet thought or chosen and cherished labor, with a suddenly awakened sense that then we were clothed in our true identity; in that interval we verily lived, rather than merely exercised the respiratory organs, and went about in the outer disguise that wears our name and is recognized of men.

Perhaps in human experience naught might more fitly foster this repulsion of the world than certain stages of a political canvass. Jepson stood with his hat in his hand, feeling foreign among them all, looking now down in the valley, and again up to the great heights; wondering sub-acutely if it were only yesterday that he had heard David sing to the dulcet measure of the lilting harp-strings, and watched the moody Saul listening on his couch, his dexterous hand toying with the stealthy javelin, ready to launch it at the head of the singer, — only yesterday

that he had seen the high-priest's rod blossom in the tabernacle, had heard the waters gush from the rock that Moses smote. Still the solemn clouds, as then, mysteriously communed with peak and cliff; the radiant sunshine wore a rich effulgence among the lonely and far-away ranges, blue and unreal, like some fine deceit of the senses, ineffably ethereal as they withdrew into the unseen spaces. The valley, mute and peaceful, lay far below, with here and there a harvested field—a tiny yellow square—and a flash of water; and further, a wisp of smoke that came from an invisible chimney,—the only motion in the supreme tranquillity of the scene. Here, higher up, where the massive purple range yawned with the wide deep interval called Broomsedge Cove, which seemed to be in the valley as one looked at the vast steep stretches of the mountains above, and seemed on the range when one looked down at the valley below, the men wrangled loudly, the oxen lowed; there was a great clamor among the horses, and suddenly Teck Jepson heard his name called. He turned slowly, to see his mare's hoof in the hands of the blacksmith, who from his leaning posture looked up, and nodded to him to approach.

Clem Sanders, ejected from the forge by its conversion to the public uses, was devoting the day to the pursuit of art for art's sake. He had on his leather apron, and the sleeve of his hammer-arm was well rolled back, showing its swelling cords. He carried a hammer in his hand, and was going about examining the feet of all the horses that had been ridden to the Settlement that day; he rejoiced in the multiplicity of the rare opportunity. He seemed by some means to recognize his own work, and he would stoop down and take the hoof up, and tell when he had made that shoe and had shod that horse, and boast to the little group of idlers how his work lasted. His face was a study when, in

catching up a hoof, he would descry the work of another smith,—his alert joy to discern defects, or dismayed solicitude to perceive craft as good as his own or superior. It was a happy moment with him now, when he had one of the clay-bank mare's hoofs upon his leather apron, between his knees, as he stooped.

"One more sech shoein' ez this, Teck," he remarked oracularly, "an' yer mare won't have nare frawg ter her huff."

He dropped the foot, and snatched up another so suddenly that he nearly pulled the creature down; and Teck caught the bridle and stroked her head, for she was restive, and then stood reassuringly beside her as he looked at the groups about.

The polls were almost deserted. The crowd around the horses had grown denser. The general conversation had a wider range than the blacksmith's remarks on the hoof, and the frog, and the shoe, and the nail. Dake and a man from North Carolina, a visitor and a cousin of a neighboring farmer, were turning the interval to account in the way of a horse-trade, and about them stood a breathlessly interested coterie, all eager to witness how the negotiation should fall out; all ready to advise, to dissuade, to instill suspicion; all marking with thrills of excitement that invariable phenomenon of bargain and sale,—when the buyer is willing, the vendor is reluctant and haggles, swinging back to eager entreaties and persuasive logic when the trade seems likely to fall through. Other wrangles now and then drowned their voices, and usurped the popular interest in the horse-trade.

"Listen at Teck, now!" cried Jube Donnard, the parson's son. "Teck 'lows that thar leetle mare o' his'n, ez be sca'cely bridle-wise, kin go all the gaits. Naw, sir! Naw, sir! That mare can't pace. I know all about that mare. She don't kem of pacing stock. Daddy trot, mammy trot, colt *can't* pace!"

Jube was in his own person the most pointed contradiction of his assertion. Piety as it was expressed in Broomsedge Cove proved itself there as elsewhere no hereditary quality, nor possessed of any traits of consanguinity. In Jube, the parson's son, was filially repeated the long, lank paternal frame, the lantern jaw, the narrow head, the small excited gray eye, and the thin straight lips, one compressed upon the other. But the spirit that animated the youth was devoid of any similarity with that of the solemn ascetic religionist; and as Jube went at large in Broomsedge, it seemed a disrespect in some sort for him to look so like his father. A jovial caricature: the parson's image with a jocose swagger; the enthusiast's eye, lighted with a dancing leer or eclipsed by a flexible wink; a mouth grotesquely solemn and frequented by all the well-worn jests and songs of Broomsedge Cove. Even the old man himself sometimes paused to look gravely at this junketing blade, so like, yet so unlike, his recognition of himself.

Jube stood now with his hands in his pockets, his hat on the back of his head and all askew, his feet planted wide apart, his solemn face intent, watching the action of the mare as Teck led her out into the open space and stood holding her bridle, while she snorted and pawed impatiently, and bowed down her head, and tossed her black mane. She was a very ordinary specimen, good-looking only because she was young, and fat, and strong, and frisky. She had had the best of care, and perhaps made a finer show than the facts warranted. Some of the gall-backed, grass-fed old cattle near her turned their heads to mark her airs, with a sort of slow and surprised disapproval in their meek and jaded eyes.

"I hev hearn that sayin' all my days, — daddy trot, mammy trot, colt *ca-a-n't* pace," the parson's son reiterated, with a long lingering twang upon the negative declaration.

"This filly kin," stoutly asseverated Teck. "She kin go all the gaits. She kin pace. She kin singlefoot, too, and rack. An' she kin trot like a fox, an' run like a deer, an' walk like a cat on a pallet."

"I'll bet ye a dollar an' a half," said the parson's son, "ez this hyar hoss-critter o' mine kin beat her enny gait she's a mind ter travel. I dare ye put her out now, an' try her along the road ter the sulphur spring — toler'ble level all the way."

The hoss-critter was a bay, furnished with the usual complement of ribs evidently, and with a tail and mane that seemed sunburned a dull yellow, so unnatural was the color; but he picked up his feet well, he was about sixteen hands high, and according to the mountain estimate of speed he had a speedy look.

Teck had put his foot into the stirrup; there was a stir of excitement in the crowd. Half a dozen were backing the little mare, but the sunburned nag had his friends too, and a spirited clamor arose. Upon it Eli Strobe's bass voice boomed suddenly: —

"I warn ye now, hoss-racin' an' a-bet-tin' on it air agin the law; an' ef ye boys undertake ter bet yer money an' race yer hosses, I'll undertake ter arrest ye. I be constable yit." He had his hands in his pockets, and he strode a few paces to and fro in the crowd, his hat pulled down over his lowering eyes, from which shot now and then a watchful surly side-glance. The young men were arranging to start together from an oak-tree at the further end of the clearing. They gave no heed to the threat of the constable. An elderly farmer assumed the negative in the discussion: —

"Shucks, Eli, ain't I seen a dozen million o' races run yander ter the County Fair, an' ain't they got a reg'lar race-track thar?"

"That's 'cordin' ter law," said the officer. "The law's mighty partie'lar

in the diff'unces it makes. Racin' at a reg'lar race-track ain't no harm, an' bettin' ain't nuther, kase it 's puttin' suthin' in the State's pocket, bein' ez the race-track folks hev ter pay fur a license. But racin' on a common road an' a-bettin' demaulizes the young men an' air agin the dignity o' the State." He still stood with his hands in his pockets, balancing himself alternately on the heels and the toes of his boots and compressing his lips. "The State's mighty partic'lar."

The singular logic of this utterance occasioned no surprise. Unsophisticated as his auditors were, they were far too wise to reason with the law. They stood meditating on this view, chewing hard, and looking vaguely about them, hardly wondering whether the young men would balk them of their sport in deference to the constable's threat, or whether they would persist and ride a race on the common road, thus doing a damage to the dignity of the State.

"What war I a-tellin' ye jes' now, Eli," remonstrated the old farmer. "Ye jes' let 'em alone; they 'll git indicted ef they do ennything agin the law. Ye air sech a stirrer up o' strife, an' hev ter be sech a stickler fur the law an' shoulder all the malefactors. 'T ain't yer business ter be so tarrifyin' ter the kentry."

The horse-trade was complete, the exchange made, the boot paid, and the stranger from North Carolina had left the Settlement. Gideon Dake, satisfied with his acquisition, mounted the roan steed and trotted about for a time, showing its paces to the crowd. Presently he dismounted, and looked the animal over. Some of his friends came up, and, with the unerring perspicacity of that genus exerted upon the new purchase, their comments roused his anxiety. He turned from them in alarm, after a few minutes. "Eli," he said, in confused haste, "do ye know ennything 'bout'n a horse's eyes? I be sort'n

'feared he's moon-eyed, or suthin'. Don't his eyes look cur'ous ter you-uns?"

Strobe took hold of the headstall, and the horse, uneasy at being stared out of countenance, tossed his head hastily backward.

"I can't see the critter," said Strobe, once more pulling the animal's head down to his own shorter stature.

"He could n't be blind, or lacking eyesight, could he, Eli? Hey! Hey! Hello thar! Hev that thar North Carolina fox gone?" Dake called out to a man near the blacksmith shop. "He hev gone! He hev gone," in frenzied accents, "He hev gone ter—I dunno whar!—with my sound mare an' five dollars boot!" He made a pass with his hand before the eyes of the animal, who winked violently and tossed up his head. But that might have been only because he felt the wind of the motion. His unwilling owner moved back a pace, and taking his hat from his head—a large dark object—passed it quickly up and down, too far for the animal to feel the stir in the air, yet near enough to alarm or surprise him if he could see it. The constable stood looking on with interest, awaiting the result of the experiment, when a sudden thunder of galloping hoofs smote the air.

He turned to see in full progress the race he had interdicted. Along the sandy slope Jepson's little mare led five others, bounding under whip and spur, her head stretched out long and straight, her tail and mane flying, her body close to the ground, the dust rising in clouds beneath her hoofs.

It was a rash thing to do, and Eli Strobe, one of the most reasonable of men, would perchance never have risked it save for the applause that greeted her; one quavering voice arose, then the rotund swelling of cheers. He could hardly endure to see the race run and applauded in open defiance of the law. He rushed out to meet the animal, lowering

his head like a bull about to charge, and springing at her neck he caught the bridle, throwing his full weight upon it. The mare, frightened, reared, despite the heavy burden at her head. She pawed the air with her forefeet. Then, as she broke loose, the man fell with a terrible wrench, and away she went, with a cloud of dust skurrying after her like a witches' dance.

Jepson reined up on the opposite rise, for he reached it the next moment; the other riders had not followed. He saw

their horses shy away, one by one, from the prostrate figure that seemed a lifeless heap in the road. Did it stir? Or did the bystanders, rushing to it, move it in some way, seeking to aid? A bloody face was upturned; the crowd interposed, and he saw no more.

At one side of the road, under a tree, stood the man — unheeding the tragedy — who doubted his horse's sight, still waving his hat up and down before the creature's eyes, to discover if he would flinch.

Charles Egbert Craddock.

THE LAW OF FASHION.

IN the following pages I propose to consider one of those separable parts of the human motives which hitherto has received little attention, namely, that which depends upon the imitative impulse in man. It needs but a glance at any society to show us how strong is this motive of imitation; indeed, to it we owe some of the most conspicuous features in human associations. If we could separate ourselves from the influences of custom, we should perceive that the most striking features in society are found in the way in which human beings strive to attain to certain uniformities in action. In speech, in gesture, in garments, in architecture, in literature, in every branch of human endeavor, we see certain motives steadfastly imitated, handed down from generation to generation. The diversifying forces combat with this conservative or imitative tendency; occasionally they prevail over it, and lead men to great changes in the current of thought and action; but if they win, it is rarely an easy victory, and in many cases the imitative motive profoundly modifies, if it cannot arrest, the change which time brings about.

From the manifold examples of hu-

man development in which imitation operates as an important agent we may select two which can be advantageously studied. These we find in clothing and architecture. The groups of facts included under these heads have the valuable advantage for the student that the phenomena are relatively simple, are well separated from other groups of facts, and are capable of being in a high degree historic. They are either in themselves enduring, or are subjects of enduring delineation.

The influences which in a highly developed society act to diversify dress are very numerous, but at first the conditions which determine the form of habiliment are relatively simple. The desire to meet the dictates of modesty, the needs of protection, and the conditions of the simple materials accessible to the lower classes of men control the variety of costume. But with the progress in the arts, the materials which may serve for clothing and the shape of the garments make a distinction of classes and of sexes more possible. As soon as these distinctions are established we begin to see the influence of custom in regulating the fashion of habiliments. These fashions once

fixed, they become great permanences, which may survive changes that alter religions and overturn empires. Many slight peculiarities of clothing, features which have no sort of utility and no value as ornaments, are retained for ages. The vigor of the imitative principle is well shown in the case of the clothing now worn by men in all civilized countries.

The changes which, during the last century, have been brought about in the garments of men have in the main been due to governmental action. A century ago, stockings and breeches were well affirmed as the covering for the legs of men. It was in time found by the medical authorities that the close-fitting stocking was apt to produce in marching soldiers a diseased condition of the legs. This led to the invention of the trousers, which left the lower leg free. This new custom, thus planted in the army, that part of the community which of old was the glass of fashion, naturally spread to civil life. In this way, too, the habit of wearing long hair disappeared. The camp is no place for such a fashion; to keep men clean in hard campaigning, cropped polls were a necessity. In many other matters of dress, the military habit has affected the garments of men in civil life. The changes have generally been for the better, but there are some cases in which the influence of custom is harmful. The stiff collar, clearly a remnant of the gorget, is a case in point; the two buttons on the back of the coat, which once served to hold up the sword-belt, is a meaningless survival, maintained by conventionality alone. The divided tail of the ordinary coat, which appears to have been derived from the needs of the horseman, affords another instance of the same nature. Men were once dependent on the saddle for their greater activities, and their coats retain the mark of that time.

In women's clothing we find custom much more vigorously enforced than

among men. There is with women nothing like the army to direct fashion in economic channels. Yet within certain limits of change their dress maintains its character far more permanently than that of men. The variations are in detail, while the essentials remain the same. The very great inconveniences of their costume, hindrances which become disabilities in the case of the working classes, have not served to bring about any sensible alteration in the style of their clothing. The observer will find no other such admirable illustrations of the force of custom as may be seen in the dress of women.

While clothing affords an excellent subject for detailed study of the laws of custom, that subject is so varied and the history so complicated that the student will do well to turn to architecture, where the forms of different periods are better preserved and the individual examples less numerous.

For the purposes of the student of custom, architecture may be made to include the class of ships and vehicles as well as that of the land dwellings. The group of ships affords some of the most beautiful instances of custom that can be found. In the first place, we may notice the singular way in which the shape of the hulls and the form of their rigging are inherited by the seamen of different regions. Each considerable portion of the shore of Europe has some peculiarities of rig or model which separate its boats from those of other districts. It is true that the creation of a science of ship-building has brought the great vessels of all nations to a certain general type; but the home-built boats of the European coast are as characteristic and as varied as the dialects, and more varied than the costumes, of the people who use them.

The influence of custom in maintaining differences in the fashion of boats is seen not only in Europe, but in America as well. In this country, if anywhere,

we would suppose that the constant intercourse of the people of the shorelands, the mingling of the fishery fleets, and the intercommunication of the coasters would have checked the tendency of local custom to perpetuate variations. Yet, though less pronounced than the differences of the European coast, the peculiarities of the American sea-boats from different districts is still so marked that the well-trained seaman can recognize their geographical origin as far as he can read their flags. In the small boats the divergence is even greater than in the ordinary coasters and fishermen; in them the influence of local peculiarities is so strong that any one who knows their varieties may tell his latitude within a few degrees by the boats of the shore. The persistence of fashion in the rig of small vessels is probably greater than that of any other feature in architecture. The felucca rig of the Mediterranean coasters has come down from very ancient times; and despite the fact that for centuries the Mediterranean has been the resort of vessels with the northern types of form and rigging, it holds its place in an enduring way. The same is the case with the smaller boats of this region; they retain the form which belonged to them in the first century of our era. Even to their curious bow-posts, which may have been phallic emblems, they remained unchanged. If we could revive a Roman citizen of the first century, he would probably find less alteration in the small vessels of the shore than in any other objects of human art.

There can be no doubt that the relative permanence of form in sea craft is due in part to the unchanged conditions of marine life, and in some cases the persistence of otherwise disadvantageous types of construction may be due to peculiar circumstances of the locality; but in a general way this endurance of types must be taken as a measure of the conservative effects of cus-

tom. The recent trial of American and British pleasure-boats has served to show how strong is this conservative inertia even among the most cultivated peoples. Both the contending boats were the product of a long series of inheritances.

Very interesting examples of the effect of the law of fashion may be found in the various forms of land carriages which exist in different parts of this and other countries. In Europe the traveler may observe that vehicles of particular pattern have a distribution in general conterminous with the peoples of the several states. The English carriages differ in nearly all cases so distinctly from those of France, Germany, or Italy that it is easy for the trained eye of an observer who has attended to the matter to say from which side of the Channel any special specimen has come. In Great Britain, the carriages as a whole exhibit everywhere a common type. In Ireland, however, they pretty generally differ from those of the greater isle.

The first settlers of this country were for a considerable period without roads accessible to wheels. The period during which they were without vehicles usually lasted for such a time that the memory of the home contrivances of this nature was in good part lost. Even in the new-made settlements of the West, especially those which were planted in the last century or in the early part of this, the folk composing them were for the most part for a long time without carriages, and so had occasion, when they had advanced to that stage of civilization where ways for wheels were demanded, to invent their own type of wagons. The only European carriage, if such it may be termed, which was ordinarily imported into this country was the pack-saddle. This ancient instrument of transportation, which had almost passed out of use in Great Britain, was universally revived in this country at the time of its settlement, and has held a certain place in our civilization ever since the landing of Euro-

peans in this country. To this day it survives in some of the isolated valleys of the Alleghanies as well as in some parts of the far West.

The distribution of the types of wheeled vehicles in this country would afford a very interesting subject for study in a detailed way. The present writer has been able to give it only a most cursory examination. The result of this imperfect inquiry has been to show that the wheeled vehicles of the United States are more localized in their character than any other contrivances which are used in the arts of the country, except perhaps the boats of the seashore. The range in variety of the facts concerning our types of wheeled vehicles is so great that only a very general statement can be given of them in this writing.

The most interesting fact concerning the distribution of this class of contrivances in the United States is found in the wide difference in the law of form which holds in carriages for pleasure and those for economical purposes. The carriages for pleasure have a curious likeness in all parts of this country. In their general form, relatively little difference can be traced in them, whether we select our examples from Texas or Maine. On the other hand, the carriages for profit or for a purely economical use are singularly diversified in different regions. The reason for this difference is readily apprehended. Vehicles which are for luxury, like clothing which is for purposes of decoration, are freer to follow the impulses which are given from the seats of fashionable life than those which have an economic purpose. Pictures of pleasure-carriages, like those of dress, are widely disseminated and closely copied by constructors. In them utility is sacrificed to the desire for securing the particularities dictated by the mode. The implements of utility are necessarily much less under the control of fashionable caprice. Still, we may find certain local variations in the shape of carriages

which, although complying in the main with the type set by dictation, are yet modified to suit particular needs. Thus, in the region about our great cities the light carriages have their wheels much closer together than it is convenient to have them in the great part of the country districts. If any one essays to drive from Boston to Cape Cod, he will find his Boston carriage ceases to be practicable after he passes Plymouth, for the reason that beyond that point the ruts of the little-traveled roads are formed by farm wagons, the opposite wheels of which are a foot further apart than those of his vehicle. It will be necessary for him to change his carriage for one that fits the roads, unless he is willing to be subject to very grave discomfort, and indeed at times to danger of being overturned.

We will now proceed to note a few of the peculiar vehicles which exist in different parts of the United States, selecting as examples only those which are most conspicuous, and which most clearly indicate the persistence or invention of local peculiarities.

In the region west of the Alleghanies, and at some few points to the east of that ethnic barrier, the traveler will observe that the ordinary farm wagons retain certain features proper to the English van. There is a solid, well-framed body, designed to insure its structure against the peculiar strains which rough roads or heavy burdens impose upon it. This is covered by white canvas, supported by bows of bent hickory wood. This ancient type of wagon is fitted for the use of those who need to make long journeys. Under its tent the westward movement of our population has taken place. Whoever of old is familiar with this great march of people towards the setting sun has seen trains of these wagons, with their freight of household goods, women, and children, creeping across the Western plains. When our armies, during the civil war, had to be

provided with transportation, this was the type of the vehicles which were made to serve their needs. In the eastern part of the United States, the necessity for protection over night does not exist. Where wagons are to be housed in, the condition of the roads permits the adoption of a heavier and more enduring covering than canvas, and so our black-topped vans take the place of the picturesque moving tents of the immigrants. In the Southern States, we often notice yet another type of vehicle devoted to ordinary farm purposes. This is the two-wheeled wagon; the principles of its structure being essentially that of the parson's gig. This seems to have been a local invention, and on the whole has been limited to a very distinct field. So far as the present writer's observations go, it does not extend to any point west of the Alleghanies, being confined to the Carolinas, Virginia, and Georgia.

In the Western and Southwestern States, and in some places in the Northwest, we find in the towns a vehicle of excellent type, known as a dray. The word which designates this wagon is one of the most ancient of those which have been applied to any form of vehicle, but the construction itself is eminently peculiar; it has but faint likeness to any European vehicle. In the American dray we have two wheels; a long slender platform, without permanent sides, terminating at the rear end in two stout beams extending several feet. When in position to receive or discharge its freight, the projections form a perfect inclined plane leading down to the level of the walk. This admirable contrivance has been adjusted with reference to the barrel and bale, the two great methods of packing in use in the Western country. On the platform there are a number of cylindrical openings, in which what are called dray-pins are placed. The work of loading or discharging cargo is greatly facilitated by the use of these pins,

which, moreover, afford excellent implements for the active discussions which frequently take place between the contentious drivers. The dray-pin is a very conspicuous element in the police records of the Southern States. The Southern and Western dray, of all American carriages the one which is most completely "reconciled to its environment," has never found a place in the Eastern States, for the reason that the barrel and the sub-cylindrical cotton bale are not so common in those parts, and perhaps for the better reason that the streets of our Eastern cities are too narrow to permit the evolution of this very long carriage, which must be turned athwart the street when it is receiving or discharging its load. A certain modification of the form in a four-wheeled vehicle is not uncommon in some of our Eastern cities, but it has not the most characteristic advantages of the dray.

Almost every city and many country districts in the United States have certain peculiar types of vehicles, or modifications of well-known forms, which serve to mark the inventive impulse and the imitative humor of the particular place. In the cities, the limitations of these vehicles are generally very distinct. In the country districts, the circumstances of distribution are less clearly marked, unless it should happen that the region is sharply bounded by some geographic barrier.

The islands along the coast of New England afford some interesting instances of these localized motives. The carts of Nantucket are absolutely peculiar to that island; the farm wagons of Martha's Vineyard, though of late very much affected by the importation of vehicles from the mainland, still preserve in many instances a peculiar type. At Mount Desert we may note that the rapid settlement of that island as a summer resort has led to the invention of a somewhat special form of wagon. The bent axle, by which the bed of the vehi-

cle is brought very near the ground, has been accepted as the type for all wagons designed for heavy carriage. In many parts of the Alleghanies we could note the invention of curious vehicular types. Thus the present writer found in Harlan County, Ky., many years ago, a domestic wagon constructed with stone wheels, each shaped like a grindstone, and fixed firmly upon the axle, which turned as in our railway carriages, or in the vehicles of ancient Rome. In the Rocky Mountains, the high price of labor has led to the invention of a system in which two wagons, the rear one with but a short pole, are fastened one behind the other. Thus one driver, with his ten horses and two wagons, can manage the train.

A careful study of American vehicles would show not only the influence of custom in perpetuating local inventions, but at the same time the exceptional ingenuity possessed by our people in creating contrivances to meet their local needs. Furthermore, we may find in the facts evidence of the extent to which our folk tend to develop their motives in a local way. At first sight, the careless observer, and even the careful student, is apt to conclude that our American population is singularly uniform. The literature of travel abounds in misplaced judgments as to the essential unity of our people. There can be no question that circumstances have unified our folk in a remarkable manner in certain and very important particulars. In language, and in the general sense of human relations, there is a noticeable uniformity in the American people; but, masked by that uniformity in conspicuous features, we have among our folk a wonderful degree of provincialism in many essential as well as in many unessential things. In various respects, both moral and material, our life is singularly localized.

The extension of customs depends upon the existence of a desire to imitate and the concurrent capacity to effect the

imitation. Thus, while in many cases the desire may exist to reproduce the work done by others, the capacity to effect the result may be wanting. At the present time, the organization of manufactures has gone so far that it is not easy to find examples of this combination of imitativeness and incapacity in our ordinary commercial products. It may be seen, however, along our seashore, in the coast ships, which still retain to a great extent the characteristics of domestic manufactures. I can illustrate the nature of the limitation by a short anecdote. Many years ago there was a very great difference in the beauty and shapely qualities of the ships constructed by the builders of Cape Ann and those which were built in Nova Scotia. The Gloucester boats were the subject of great commendation on the part of many Nova Scotia builders. I asked an old shipwright, who was expressing his admiration for the form of a Gloucester schooner, why his people did not build the like. He answered that every year they built ships which were to their eyes exactly like the Yankee boats; but when the Gloucester men came back to that neighborhood, they turned out to be not in the least like them. Gradually the provincials are acquiring the power to memorize form. Nowadays it is not always so easy to separate, at first sight, the Nova Scotia vessels from those built about Massachusetts Bay as it was of old.

The mental model on which the actual structure is to be framed is often of very difficult acquisition; such models constitute the artistic store of a people. There seems to be a certain inheritance, if not of the very shape of ships, at least of a capacity to conceive of the forms and to bring them into being. Not only in the case of ships, but in all other arts whatsoever, such capacities, when not inherited, are acquired with difficulty; and so, until systematic manufacture takes the place of domestic art, the spread of architec-

tural and other artistic models must necessarily be slow. Beautiful instances of this may be seen in the arts of all primitive people, in which the tribal divisions create bounds to the inherited capacities.

When we study buildings, we see the influence of custom even more clearly than in ships or other instruments of carriage. Ships and vehicles are temporary structures, rarely enduring more than half a century, while the life of houses is many times as great. In old countries, we can easily trace the mode of building, even in relatively frail dwellings, for a period of five hundred years or more.

The careful observer can see in any European country abundant evidence of local custom in the fashion of the architecture. The greater buildings, those designed for monumental purposes, have something of the uniformity which belongs to the larger structures on the seas. In the domestic dwellings, where the uniforming influence of the architect has not been felt, we find the clearest effects of local custom. These architectural dialects, as we may term them, are as distinctly bounded and as permanent as are the forms of expression in speech.

The instances of this fact are extremely numerous; hardly a country or a province in Europe but will show its peculiar architectural influences. They are perhaps more striking in the countries which have been characterized by strong local histories than in the more unified lands. Tuscany, for example, affords excellent instances of long-continued architectural motives. No one familiar with the rural districts of that region can have failed to notice the charm which comes from the grace and simplicity of the rustic architecture. There is but one style, and this is absolutely direct in all its motives; but the work, though done by present builders, is pervaded by a simple spirit and improved by noble traditions. It is not improbable that these motives are direct

inheritances from the Etruscan civilization; that this elegant sense of architectural beauty has come down directly from that ancient people.

The most remarkable feature in American buildings is the extreme instability of the motives represented in their construction; the inconstant whims of the professional constructor of houses has taken the place of the natural architectural motives. The observer might fairly conclude that the American people are incapable of inventing an architecture, — are incapable of accumulating traditions of beauty in structures, until they develop the assemblage of harmonious relations which constitute an architectural style; but this judgment would be ill-founded. It is true that the spread of ready-made architecture in the form of house plans has given a monotonous variety to buildings in most parts of America; but wherever a corner of the land can be found where the people are too primitive to be influenced by the Harper's Bazar spirit, a little attention will show that the localizing and inventing motive is at work there as well as on older lands. There is hardly an old town in New England, which has been so fortunate as to escape the modern house-builder, where the observer cannot find abundant evidence of the spirit of architectural invention. The colonial days, with their brief century of quietly accumulated traditions, carried us far towards the development of a worthy domestic architectural style in the stately mansions of that day, which managed to combine domesticity and dignity in a simple but effective way.

Even in the present day, any one who watches closely will see that the inventive American has a style-developing power which is vigorous, even though the products are not very satisfactory. All architectural styles of importance have been derivations from some primitive utility; they have arisen in the way in which all beauty in art and nature

seems to have arisen,—by the affectionate decoration of the needful, by the idealization of the utilities inherited from the past. The capacity to create a beautiful architecture, if not all the power to develop any succession of beauty-giving impulses, depends upon the existence of a keen sense of the past, together with a strong desire to give beauty to the work on hand. The sense of custom, that desire to do the thing as others have done it, must be the dominant motive. The historic sense, without which art cannot exist, must coöperate with the impulse which leads to mere decoration.

Imitation, or the custom-following motive of the American people, is clearly very strong. A curious instance of its strength has recently fallen under my notice. The case seems to illustrate so many points concerning the origin of architecture that it may advantageously be given in detail. About twenty years ago there was a camp-meeting place on the eastern shore of Martha's Vineyard. This religious meeting-place was found to combine many advantages of situation: the bathing was good, the air delightful, and the site wholesome, so it became a favorite place of summer resort. At first the dwellings of this camp consisted altogether of tents, which were removed at the end of the season. The ground was divided into little lots, about twenty feet in width and sixty or so in depth,—just large enough for a family tent, with the necessary out-houses. The first advance on these imperfect dwelling-places was made by having a permanent floor to the canvas house, which floor projected some feet beyond the front of the tent, affording the foundation for an awning-covered porch. The next step was to support the tent by a timber frame, which also was a permanent structure. Further experience led to the covering of the sides of the structure with plank, the canvas roof being retained. Very soon the canvas was abandoned; a timber structure took

its place, and thus the tent was transformed into a house. This house imitated the tent so far as it was possible to reproduce its features in the new material. In front, the portal of the tent was represented by a very large folding door, with a small window on either side. In a short time these simple, tent-like houses became the established type of the structures erected on the campground.

Soon after the establishment of this custom of building, the resort to this settlement of Oak Bluffs became greater, and larger dwellings began to arise on the ground outside of the camp; but almost without exception these structures were built in the general form of those within the fold. Now the spirit of ornament began to show itself: the original simple lines of the little house were decorated with cornices and scroll-work, often of very *bizarre* forms, but the original motives of construction were closely adhered to, so that a glance will show the derivation of their architecture.

When firmly planted in this summer resort, this fashion of building spread to other parts of the shore; but the origin of the architectural motives of these houses can be traced in their general outline, by the gable end set against the roadway, the large central portal opening immediately into the main room of the house, and in the broad porch occupying the whole front of the building. The plan of the structure is distinctly different from any other form of dwelling which has ever been used in this country. Thus, in a quick succession of changes, we see how readily the foundations of an architectural fashion may be laid; how by the constant adaptation of means to the end, together with a clinging to the existing traditions of form, we may pass from one mode of construction to another without any sudden break in the succession of motives which guide the builder. This incident seems to show us that the

American of to-day, despite the tendency which his life has to part him from the past, still retains the essential impulses which guided his ancestors in their passage from the earliest constructions to the higher and more settled forms of architecture.

This interesting instance of the rapid evolution of a new architectural type may profitably be compared to the steps which led from the wooden temples of the early Greeks, with their rude ornaments made of the heads of cattle from the sacrificial altar, to the gracious structures of stone which came in their place. It is a comparison of great things with small, but the manner in which men are bound by the deeds of their race is shown alike in both instances.

Against this interesting example of cottage architecture, where the spontaneous evolution of a type has been accomplished in a few years, we may set the singular fixedness of form of our American log cabin. In all the backwoods regions of America, that is to say in all the Southern States, and, except in New England, in the Northern as far west as Illinois, the log cabin has been the prevailing house ever since the settlement of the country. Yet there is hardly a trace of variation in the form of these structures. These buildings, it would seem, would lend themselves to variety and to the accumulation by tradition of conventional ornament. Although in Switzerland, and in many other countries, the house of massive timber has been made the basis of a great deal of architectural decoration, to which its structure well lends itself, no such development has taken place in the similar houses of America. The cause of

this seems to be that the frontiersman is peculiarly separated from tradition, and rigidly bound by the needs of his conditions, which are of the most immediate necessity.¹ There is no time for the spirit of adornment on which architectural development depends. When the region about the pioneer becomes civilized, and the log cabin is to be replaced, a frame house comes in its stead, which, from its nature, can preserve nothing of the earlier type of structure. It is only when people pass beyond the frontier state that the possibilities of architectural development begin, and with that passage they generally come under the foreign yoke of the architects, and so are deprived of the chance of developing any local customs in their building art.

The tendency of modern days is to take the control of architecture from the people, and lodge it in the hands of specialists. There can be no doubt that this change will prove very profitable in many ways, but it will irresistibly bring about the destruction of those spontaneous motives which give one of the greatest charms to the aspect of an old civilized country.

The foregoing very general considerations concerning the effect of custom in the greater constructive arts should be largely extended in order to afford a firm basis for a closer study of the imitative motives of society. Brief as they are, however, they must needs serve to illustrate the general conclusions concerning the origin and value of these motives, of which we propose now to speak.

First let us notice that this imitative motive is by no means limited to man;

¹ The separation of our frontier folk from their race traditions is well shown by their entire loss of all the folk-lore which their race once possessed. I have been unable to find a trace of the songs and fairy-tales of the old English people among the folk of the Southern Alleghanies, who, in their customs and character, are more closely related to the British

yeomanry of the seventeenth century than any other part of our population. It would be interesting to inquire into the causes which have led to the destruction of these race traditions, which were retained through all the wide migrations of the various folk in the eastern continent, but such an inquiry would lead us far from our subject matter.

it may be seen among very many of the lower animals. It is true that among most of these inferior creatures, where an architectural impulse exists, it is under the direction of a mental machinery which probably acts without any conscious intelligence; but for all that, we are not entitled to regard this motive as essentially different from that which impels man to imitate the actions, or the structures of his fellows, at least where the action is not purely instructive. Among the elephants, the monkeys, and the dogs, although there may exist an inherited predisposition to the imitative act, the way in which the impulse operates shows us plainly that it is essentially akin to the faculty as we find it in man. In the web-building spiders, in the wasps and bees, where the construction of complicated contrivances is carried out by creatures which have never seen the work of their ancestors, the imitative process is less clearly allied to that of men.

In the constructive work of the nest-building birds, as has been well shown by Mr. Wallace and others, there is a combination of an instinctive impulse, which compels them to prepare a place for their eggs and young, with an imitative faculty, which leads them to shape these nests by a direct process of copying from the work done by their kindred of the same species. Certain varieties, if reared apart from others of their kind, have been observed to change the fashion of their nests, and to proceed in a way of their own with their work of construction, making mistakes which were clearly due to the lack of a chance to profit by their race traditions. We observe the influence of the imitative motive in a yet more striking way in the case of the song-bird, when the creature seeks to copy that which it may hear.

Thus we are driven to the belief that the imitative impulse is not limited to man, but is a quality common to animals

in the lower yet kindred life about us. It is clearly a product of the social condition, one which comes to intelligent beings when they are subjected to that quickening of the mind which is the result of the social habit.

This leads us to see that the production of the imitative motive clearly lies in the sympathy which prevails between the several members of a society. Each social being is, by the very fact that it is social, keenly alive to all the actions of its fellows. The usual acts of the herd or flock are instinctively adopted as the acts fit for each individual among human beings. Culture may hedge the individual about, and place him in a critical position towards the motives of his fellows, — this is indeed the first and greatest function of culture; but the impulse to do as his fellows do remains even in the most isolated of men. Under conditions of excitement, especially when brought closely in contact with his fellows, culture is apt to be a frail bar to the imitative impulse. The individuality given by education, though it may be strong enough to secure the person against the access of what we may term the mob spirit, as long as the circumstances are those to which he has been accustomed in his isolated action, is likely to vanish as soon as these circumstances are changed. Under novel conditions, the restraint which custom puts on the ancient imitative motive is usually not strong enough to overcome that impulse.

The influence of fashion or custom on all human actions thus appears to be a mode of expression of that sympathy with the fellow-being, that strange sense of relation to the kindred life, which is the product of society in man and brute. This sense of sympathy is best shown in the more direct relations between fellow-beings; it is well exhibited in the impulse to mutual help, which springs instinctively to activity at the appeal of suffering; though it is seen in less

marked but still important ways in the tendency to imitate the constructions which have come from the activity of the kindred life.

The imitative motive is evident in the following of fashions, in dress, deportment, and ornament, which with many people is a blind and unreasoning impulse. It is the less manifest in the matter of architecture, but even here it is seen operating as a powerful motive, in accumulating and affirming local peculiarities of construction. It is yet fainter in the matter of national actions, but there also we may see the impulse to imitation, at times acting with singular power, though not often with much persistency. A sense of ancestral history, a desire to be like noble, or traditionally noble, ancestors, has decided many a battle-field, and shaped the course of many a nation's policy in time of trial. The recent history of Japan has shown us a state suddenly aroused to an almost absurd desire to put on the shape of distant peoples, who by some evidences of power have come to seem worthy of imitation.

Those who are interested in forecasting the future of our social system will find abundant room for conjecture in the changes which are coming over the imitative motives in the swift alterations of our modern life. It is evident that some of the greater modifications of the social machinery are to be brought about by the changes of these motives, which now seem to bind the individual man to his fellows, and the living generations to those which have gone before. The so-called progress in the arts is gradually separating mankind from all domestic industries whatsoever, thereby destroying one of the strongest of the old bonds between the generations. Formerly the body of practical learning which concerned men came down in the traditional path from generation to generation. Men felt that the wisdom of their fathers was a precious and saving

heritage. They cherished and advanced these inherited traditions, and transmitted the store to their children. The family house was not encumbered with the commercial products of a hundred different factories, but was a school of the arts of life, a place of many industries, inherited from the forefathers. The modern innovations have spared labor, and opened to men and women the way to a wider life, but they are destroying the strongest bonds that link them to the past.

Our modern system, it is true, offers a new bond in place of the old basis of allegiance to the past. It offers us a historic knowledge of ancestors, a critical estimate of their deeds and motives. Undoubtedly, this new method of considering the past is more learned than the old; but it clearly is at present less sympathetic, less calculated to unite the successive generations in the common bond of motives and deeds. By it we cannot expect to preserve the old unity of peoples, as it was preserved by the traditional methods which it is now displacing.

The value of the unconscious allegiance to ancestry, which is shown in the perpetuation of customs, to the unity of the state is hard to measure. It evidently varies greatly in different peoples: it has its fullest expression in the society of China and of other Asiatic states, where the living generation is fettered to the dead; it is strong in almost all the old societies of Europe; it appears weaker in Britain than elsewhere in the Old World, but it is at its minimum in America, where many circumstances have served to make the living singularly independent of those who have gone before.

The open-minded critical observer will undoubtedly find in our American life much of profit which has come from the ablation of custom. The American, self-centred, with none of the burden of the past life upon him, is a more agile

creature than the older type of man, who has a heavy load of the past to hamper him in his accommodation to the living moment. The very inventiveness which is the most striking intellectual mark of the American is a measure of his independence of the past; the best use he can make of the ancestral traditions is to get his foot upon them, that he may mount to a higher plane of action. From his church to his barn, from his state to his family, he makes the thing fit his own immediate needs. When he follows the ancestral path, it is with no reverence nor even with an unreverential respect for the better knowledge of his ancestors, but only because of habit, — because he has not yet found, in the pressure of his incessant labor, the time to make a new and better way. His golden age is in the future, and, with his face towards the glowing east, he cares little for the shadows where his fathers lie. Such is the man of innovations, and from his labor the world may expect a rich harvest of good. All this and more may be said for this new kind of man, the first of his species to be so emancipated from the past. The world has never seen his like before, and will view his actions with mingled curiosity and fear.

The student of men, who has gained a sense of the place which the law of custom has had in the history of mankind, will watch the emancipated man of the New World, to see how he fares with his new motives. Even now, at the outset of the American experiment of doing without ancestral customs as far as that may be possible, he may fancy that he discerns certain interesting results, both of good and evil, which are arising from this change in the relations of the American man. In the first place, the change has not in the least degree served to diminish the emancipated man's interest in his fellow-men; on the contrary, the concentration of the interests and affections in actual

life has perhaps intensified the sympathies with his brother. Certainly, in no other age and in no other country have the sympathies been so quick as in our land and day. We can end discussion on this point by the evidence which the reconciliation of the North and South affords. This is an instance of sympathy almost beyond belief; those who have seen it have beheld one of the most marvelous incidents in history. It would doubtless be unreasonable to attribute all of this to the separation of the American man from the past, but the whole history of the civil war, and especially the treatment of the subjugated, was possible only with a people who had severed themselves from the traditions which have guided societies in similar exigencies.

In almost any situation of life, we can conceive that the man can best act his own nature by having little bondage with the past; but the question will arise as to how far this entire independence in action may gain in rationality by the severance from traditions. There can be no doubt that the *ismatic* humor of the American people, the tendency to try impossible social and religious experiments, is a product of this decay of custom. How far this expenditure of force in unprofitable lives, which end in moral failure and a hopeless wrecking of motives and of men, may go to countervail the advantage which arises from the greater flexibility which our people secure by their severance from the past is a debatable question.

Last of all, the observer may ask whether this new-won freedom will endure; whether it is not the product of the life in unhampered conditions, where the monuments of the past were wanting. Will not the consolidation of the national structure change this sportive, past-forgetting youth into a manhood which will have the motives of the older civilizations? There are not wanting signs that such a change is coming

to our people. As the past of our own country gathers about its firesides, it may reassert its old claim upon the life of the day, and new ways may be found to return to the natural worship of ancestors. At present the trend of all modern life in civilized countries is rather against the bondage of ancestral custom. There have been several periods in the history of European peoples where there was the same revolt against the control of custom, such as that of the renaissance and the revolu-

tion of the eighteenth century; but the end has shown that the power of custom in men is too strong for them to break. It may well be that the American experiment will end in the same manner.

The strength of custom, and especially of its expression in the following of ancestral traditions, lies in the nature of the mind itself. Temporary causes may weaken its control, but it will require a change of an organic kind permanently to overthrow its power.

N. S. Shaler.

BEGINNINGS OF THE AMERICAN REVOLUTION.

DURING the seventy years which had elapsed since the overthrow of the Stuart dynasty, the relations between the American colonies and the home government had been peaceful; and the history of the colonies, except for the great and romantic struggle with New France, would have been almost destitute of striking incidents. In view of the perpetual menace from France, it was manifestly unwise for the British government to irritate the colonies, or do anything to weaken their loyalty; and they were accordingly left very much to themselves. Still, they were not likely to be treated with any great liberality,—for such was not then, as it is hardly even yet, the way of governments,—and if their attachment to England still continued strong, it was in spite of the general demeanor of the mother country. Since 1675 the general supervision of the colonies had been in the hands of a standing committee of the Privy Council, styled the “Lords of the Committee of Trade and Plantations,” and familiarly known as the “Lords of Trade.” To this board the governors sent frequent and full reports of the proceedings in the colonial legislature, of the state of agri-

culture and trade, of the revenues of the colonies, and of the way in which the public money was spent. In private letters, too, the government poured forth their complaints into the ears of the Lords of Trade, and these complaints were many and loud. Except in Pennsylvania and Maryland, which were like hereditary monarchies, and in Connecticut and Rhode Island, where the governors were elected by the people, the colonial governors were now invariably appointed by the Crown. In most cases they were inclined to take high views regarding the royal prerogative, and in nearly all cases they were unable to understand the political attitude of the colonists, who on the one hand gloried in their connection with England, and on the other hand, precisely because they were Englishmen, were unwilling to yield on any occasion whatsoever one jot or tittle of their ancient liberties. Moreover, through the ubiquity of the popular assemblies and the directness of their control over the administration of public affairs, the political life of America was both really and ostensibly freer than that of England was at that time; and the ancient liberties of Englishmen, if not better pre-

served, were at least more conspicuously asserted. As a natural consequence, the royal governors were continually trying to do things which the people would not let them do, they were in a chronic state of angry warfare with their assemblies, and they were incessant in their complaints to the Lords of Trade. They represented the Americans as factious and turbulent people, with their heads turned by queer political crotchets, unwilling to obey the laws, and eager to break off their connection with the British Empire. In this way they did much to arouse an unfriendly feeling toward the colonies, although eminent Englishmen were not wanting who understood American affairs too well to let their opinions be thus lightly influenced. Upon the Lords of Trade these misrepresentations wrought with so much effect that now and then they would send out instructions to suspend the writ of *habeas corpus*, or to abridge the freedom of the press. Sometimes their acts were absurdly arbitrary. In New Hampshire, the people maintained that as free-born Englishmen they had a right to choose their representatives; but the governor held, on the contrary, that this was no right, but only a privilege, which the Crown might withhold, or grant, or revoke, all at its own good pleasure. To uphold the royal prerogative, the governor was instructed to issue writs for elections to some of the towns, while withholding them from others; but the resistance of the people to this piece of tyranny was so determined that the Lords of Trade thought it best to yield. In Massachusetts, for more than thirty years, there went on an unceasing controversy between the General Court and the successive royal governors, Shute, Burnet, and Belcher, with reference to the governor's salary. The Lords of Trade insisted that the governor should be paid a fixed salary; but lest this should make the governor too independent, the General Court obstinately refused to establish a salary, but made

grants to the governor from year to year, in imitation of the time-honored usage of Parliament. This method was, no doubt, inconvenient for the governors; but the colonists rightly valued it as one of the safeguards of popular liberty, and to their persistent refusal the Crown was obliged to give way. Similar controversies, in New York and South Carolina, were attended with similar results; while in Virginia the assembly more than once refused to vote supplies, on the ground that the liberties of the colony were in danger.

Such grievances as these, reported year by year to the Lords of Trade, and losing nothing in the manner in which they were told, went far to create in England an opinion that America was a lawless country, and sorely in need of a strong government. From time to time various schemes were proposed for limiting the powers of the colonial assemblies, for increasing the power of the governors, for introducing a titled nobility, for taxing the colonists by act of Parliament, or for weakening the feeling of local independence by uniting several colonies into one. Until after the French troubles had been disposed of, little came of any of these schemes. A plan for taxing the colonies was once proposed to Sir Robert Walpole, but the sagacious old statesman received it with a laugh. "What!" said he. "I have half of Old England set against me already, and do you think I will have all New England likewise?" From time to time the liberal charters of Rhode Island and Connecticut were threatened, but nothing came of this. But in one direction the Lords of Trade were more active. One of their most cherished plans was to bring about a union of all the colonies under a single head; but this was not to be a union of the kind which the Americans, with consummate statesmanship, afterward wrought out for themselves. It was not to be a union based upon the idea of the

sacredness of local self-government, but it was a union to be achieved, as far as possible, at the expense of local self-government. To bring all the colonies together under a single viceroy would, it was thought, diminish seriously the power of each local assembly, while at the same time such a union would no doubt make the military strength of the colonies much more available in case of war. In 1764, Francis Bernard, governor of Massachusetts, wrote that "to settle the American governments to the greatest possible advantage, it will be necessary to reduce the number of them; in some places to unite and consolidate; in others to separate and transfer; and in general to divide by natural boundaries instead of imaginary lines. If there should be but one form of government established for the North American provinces, it would greatly facilitate the reformation of them." As long ago as 1701, Robert Livingston, of New York, had made similar suggestions; and in 1752, Governor Dinwiddie, of Virginia, recommended that the Northern and Southern colonies be united respectively into two great confederacies.

The desirableness of bringing about a union of the colonies was also recognized by all the most liberal-minded American statesmen, though from a very different point of view. They agreed with the royal governors and with the Lords of Trade as to the urgent need for concentrating the military strength of the colonies, and they thought that this end could best be subserved by some kind of federal union. But at the same time they held that the integrity of the local self-government of each colony was of the first importance, and that no system of federation would be practicable which should in any degree essentially impair that integrity. To bring about a federal union on such terms was no easy matter; it was a task fitted to tax the greatest of statesmen at any time. At that time it was undoubtedly a hopeless task. The

need for union was not generally felt by the people. The sympathies between the different colonies were weak and liable to be overborne by prejudices arising from rivalry or from differences in social structure. To the merchant of Boston, the Virginian planter was still almost a foreigner, though both the one and the other were pure-blooded Englishmen. Commercial jealousies were very keen. Disputes about boundaries were not uncommon. In 1756, Georgia and South Carolina actually came to blows over the navigation of the Savannah River. Jeremiah Dummer, in his famous *Defence of the New Charters*, said that it was impossible that the colonies should ever be brought to unite; and Burnaby thought that if the hand of Great Britain were once taken off, there would be chronic civil war all the way from Maine to Georgia.

In 1754, the prospect of immediate war with the French led several of the royal governors to call for a congress of all the colonies, to be held at Albany. The primary purpose of the meeting was to make sure of the friendship of the Six Nations, and to organize a general scheme of operations against the French. The secondary purpose was to prepare some plan of confederation which all the colonies might be persuaded to adopt. New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, and Maryland — only seven colonies of the thirteen — sent commissioners to this congress. The people showed little interest in the movement. It does not appear that any public meetings were held in favor of it. Among the newspapers, the only one which warmly approved of it seems to have been the *Pennsylvania Gazette*, edited by Benjamin Franklin, which appeared with a union device and the motto "Unite or Die!"

The circumstances of Franklin's life, no less than the vast sweep of his intelligence, had fitted him for sounder and

wider views of the political needs of the time than were taken by most of his contemporaries. In a certain sense he may be said to have belonged to two very different colonies; nor was he unfamiliar with ideas current in the mother country. During the session of the Albany Congress, a first attempt was made to establish a permanent union of the thirteen colonies. It was to Franklin that the plan was chiefly due. The legislative assembly of each colony was to choose, once in three years, representatives to attend a federal Grand Council; which was to meet every year at Philadelphia, a town which could be reached by a twenty days' journey either from South Carolina or from New Hampshire. This Grand Council was to choose its own speaker, and could neither be dissolved nor prorogued, nor kept sitting longer than six weeks at any one time, except by its own consent or by especial order of the Crown. The Grand Council was to make treaties with the Indians and to regulate the Indian trade; and it was to have sole power of legislation on all matters concerning the colonies as a whole. To these ends, it could levy taxes, enlist soldiers, build forts, and nominate all civil officers. Its laws were to be submitted to the king for approval, and the royal veto, in order to be of effect, must be exercised within three years.

To this Grand Council each colony was to send a number of representatives, proportioned to its contributions to the continental military service; yet no colony was to send less than two or more than seven representatives. With the exception of such matters of general concern as were to be managed by the Grand Council, each colony was to retain its powers of legislation intact. On an emergency, any colony might singly defend itself against foreign attack, and the federal government was prohibited from impressing soldiers or seamen without the consent of the local legislature.

The supreme executive power was to be vested in a president or governor-general, appointed and paid by the Crown. He was to nominate all military officers, subject to the approval of the Grand Council, and was to have a veto on all the acts of the Grand Council. No money could be issued save by joint order of the governor-general and the council.

This plan, said Franklin, "is not altogether to my mind, but it is as I could get it." It should be observed, to the credit of its great author, that this scheme, long afterward known as the "Albany Plan," contemplated the formation of a self-sustaining federal government, and not of a mere league. As Frothingham well says, "It designed to confer on the representatives of the people the power of making laws acting directly on individuals, and appointing officers to execute them, and yet not to interfere with the execution of the laws operating on the same individuals by the local officers." It would have erected "a public authority as obligatory in its sphere as the local governments were in their spheres." In this respect it was much more complete than the scheme of confederation agreed on in Congress in 1777, and it afforded a valuable precedent for the much more elaborate and perfect Federal Constitution of 1787. It was in its main features a noble scheme, and the great statesman who devised it was already looking forward to the immense growth of the American Union, though he had not yet foreseen the separation of the colonies from the mother country. In less than a century, he said, the great country behind the Alleghanies must become "a populous and powerful dominion;" and he recommended that two new colonies should at once be founded in the West, — the one on Lake Erie, the other in the valley of the Ohio, — with free chartered governments like those of Rhode Island and Connecticut.

But public opinion was not yet ripe for the adoption of Franklin's bold and comprehensive ideas. Of the royal governors who were anxious to see the colonies united on any terms, none opposed the plan except Delancey, of New York, who wished to reserve to the governors a veto upon all elections of representatives to the Grand Council. To this it was rightly objected that such a veto power would virtually destroy the freedom of elections, and make the Grand Council an assembly of creatures of the governors. On the popular side the objections were many. The New England delegates, on the whole, were the least disinclined to union; yet Connecticut urged that the veto power of the governor-general might prove ruinous to the whole scheme; that the concentration of all the military forces in his hands would be fraught with dangers to liberty; and that even the power of taxation, lodged in the hands of an assembly so remote from local interests, was hardly compatible with the preservation of the ancient rights of Englishmen. After long debate, the assembly at Albany decided to adopt Franklin's plan, and copies of it were sent to all the colonies for their consideration. But nowhere did it meet with approval. The mere fact that the royal governors were all in favor of it — though their advocacy was at present, no doubt, determined mainly by military reasons — was quite enough to create an insuperable prejudice against it on the part of the people. The Massachusetts legislature seems to have been the only one which gave it a respectful consideration, albeit a large town meeting in Boston denounced it as subversive of liberty. Pennsylvania rejected it without a word of discussion. None of the assemblies favored it. On the other hand, when sent over to England to be inspected by the Lords of Trade, it only irritated and disgusted them. As they truly said, it was a scheme of union "complete in itself;" and ever since the

days of the New England confederacy the Crown had looked with extreme jealousy upon all attempts at concerted action among the colonies which did not originate with itself. Besides this, the Lords of Trade were now considering a plan of their own for remodeling the governments of the colonies, establishing a standing army, enforcing the navigation acts, and levying taxes by authority of Parliament. Accordingly little heed was paid to Franklin's ideas. Though the royal governors had approved the Albany plan, in default of any scheme of union more to their minds, they had no real sympathy with it. In 1756, Shirley wrote to the Lords of Trade, urging upon them the paramount necessity for a union of the American colonies, in order to withstand the French; while at the same time he disparaged Franklin's scheme, as containing principles of government unfit even for a single colony like Rhode Island, and much more unfit for a great American confederacy. The union, he urged, should be effected by act of Parliament, and by the same authority a general fund should be raised to meet the expenses of the war, — an end which Shirley thought might be most speedily and quietly attained by means of a "stamp duty." As Shirley had been for fifteen years governor of Massachusetts, and was now commander-in-chief of all the troops in America, his opinion had great weight with the Lords of Trade; and the same views being reiterated by Dinwiddie of Virginia, Sharpe of Maryland, Hardy of New York, and other governors, the notion that Parliament must tax the Americans became deeply rooted in the British official mind.

Nothing was done, however, until the work of the French war had been accomplished. In 1761, it was decided to enforce the Navigation Act, and one of the revenue officers at Boston applied to the superior court for a "writ of assistance," or general search-warrant, to

enable him to enter private houses and search for smuggled goods, but without specifying either houses or goods. Such general warrants had been allowed by a statute of the bad reign of Charles II., and a statute of William III., in general terms, had granted to revenue officers in America like powers to those they possessed in England. But James Otis showed that the issue of such writs was contrary to the whole spirit of the British constitution. To issue such universal warrants, allowing the menials of the custom-house, on mere suspicion, and perhaps from motives of personal enmity, to invade the home of any citizen, without being held responsible for any rudeness they might commit there, — such, he said, was “a kind of power, the exercise of which cost one king of England his head, and another his throne;” and he plainly declared that even an act of Parliament which should sanction so gross an infringement of the immemorial rights of Englishmen would be treated as null and void. Chief Justice Hutchinson granted the writs of assistance, and as an interpreter of the law he was doubtless right in so doing; but Otis’s argument suggested the question whether Americans were bound to obey laws which they had no share in making, and his passionate eloquence made so great an impression upon the people that this scene in the court-room has been ever since remembered — and not unjustly — as the opening scene of the American Revolution.

In the same year the arbitrary temper of the government was exhibited in New York. Down to this time the chief justice of the colony had held office only during good behavior, and had been liable to dismissal at the hands of the colonial assembly. The chief justice was now made removable only by the Crown, a measure which struck directly at the independent administration of justice in the colony. The assembly tried to protect itself by refusing to assign a fixed

salary to the chief justice, whereupon the king ordered that the salary should be paid out of the quit-rents for the public lands. At the same time instructions were sent to all the royal governors to grant no judicial commissions for any other period than “during the king’s pleasure;” and to show that this was meant in earnest, the governor of New Jersey was next year peremptorily dismissed for commissioning a judge “during good behavior.”

In 1762, a question distinctly involving the right of the people to control the expenditure of their own money came up in Massachusetts. Governor Bernard, without authority from the assembly, had sent a couple of ships to the northward, to protect the fisheries against French privateers, and an expense of some £400 had been thus incurred. The assembly was now ordered to pay this sum, but it refused to do so. “It would be of little consequence to the people,” said Otis, in the debate on the question, “whether they were subject to George or Louis, the king of Great Britain or the French king, if both were arbitrary, as both would be, if both could levy taxes without Parliament.” A cry of “Treason!” from one of the less clear-headed members greeted this bold statement; and Otis, being afterward taken to task for his language, published a *Vindication*, in which he maintained that the rights of a colonial assembly, as regarded the expenditure of public money, were as sacred as the rights of the House of Commons.

In April, 1763, just three years after the accession of George III., George Grenville became Prime Minister of England, while, at the same time, Charles Townshend was First Lord of Trade. Townshend had paid considerable attention to American affairs, and was supposed to know more about them than any other man in England. But his studies had led him to the conclusion

that the colonies ought to be deprived of their self-government, and that a standing army ought to be maintained in America by means of taxes arbitrarily assessed upon the people by Parliament. Grenville was far from approving of such extreme measures as these, but he thought that a tax ought to be imposed upon the colonies, in order to help defray the expenses of the French war. Yet in point of fact, as Franklin truly said, the colonies had "raised, paid, and clothed nearly twenty-five thousand men during the last war, — a number equal to those sent from Great Britain, and far beyond their proportion. They went deeply into debt in doing this; and all their estates and taxes are mortgaged for many years to come for discharging that debt." That the colonies had contributed more than an equitable share toward the expenses of the war, that their contributions had even been in excess of their ability, had been freely acknowledged by Parliament, which, on several occasions, between 1756 and 1763, had voted large sums to be paid over to the colonies, in partial compensation for their excessive outlay. Parliament was therefore clearly estopped from making the defrayal of the war debt the occasion for imposing upon the colonies a tax of a new and strange character, and under circumstances which made the payment of such a tax seem equivalent to a surrender of their rights as free English communities. In March, 1764, Grenville introduced in the House of Commons a series of Declaratory Resolves, announcing the intention of the government to raise a revenue in America by requiring all legal documents to bear stamps, varying in price from three-pence to ten pounds. A year was to elapse, however, before these resolutions should take effect in a formal enactment.

It marks the inferiority of the mother country to the colonies in political development, at that time, that the only solici-

tude as yet entertained by the British official mind, with regard to this measure, seems to have been concerned with the question how far the Americans would be willing to part with their money. With the Americans it was as far as possible from being a question of pounds, shillings, and pence; but this was by no means correctly understood in England. Poor old Shirley, although he had lived so long in Massachusetts, had thought that a revenue might be most easily and quietly raised by means of a stamp duty. Of all kinds of direct tax, none, perhaps, is less annoying. But the position taken by the Americans had little to do with mere convenience; it rested from the outset upon the deepest foundations of political justice, and from this foothold neither threatening nor coaxing could stir it.

The first deliberate action with reference to the proposed Stamp Act was taken in the Boston town meeting in May, 1764. In this memorable town meeting Samuel Adams drew up a series of resolutions, which contained the first formal and public denial of the right of Parliament to tax the colonies without their consent; and while these resolutions were adopted by the Massachusetts assembly, a circular letter was at the same time sent to all the other colonies, setting forth the need for concerted and harmonious action in respect of so grave a matter. In response, the assemblies of Connecticut, New York, Pennsylvania, Virginia, and South Carolina joined with Massachusetts in remonstrating against the proposed Stamp Act. All these memorials were remarkable for clearness of argument and simple dignity of language. They all took their stand on the principle that, as free-born Englishmen, they could not rightfully be taxed by the House of Commons unless they were represented in that body. But the proviso was added, that if a letter from the Secretary of State, coming in the king's name, should be presented

to the colonial assemblies, asking them to contribute something from their general resources to the needs of the British Empire, they would cheerfully, as heretofore, grant liberal sums of money, in token of their loyalty and of their interest in all that concerned the welfare of the mighty empire to which they belonged. These able and temperate memorials were sent to England; and in order to reinforce them by personal tact and address, Franklin went over to London as agent for the colony of Pennsylvania.

The remonstrances of the colonies were of no avail. Early in 1765 the Stamp Act was passed. It is worthy of remark that, now that the obnoxious law was fairly enacted, the idea that the Americans would resist its execution did not at once occur to Franklin. Acquiescence seemed to him, for the present, the only safe policy. In writing to his friend Charles Thomson, he said that he could no more have hindered the passing of the Stamp Act than he could have hindered the sun's setting. "That," he says, "we could not do. But since it is down, my friend, and it may be long before it rises again, let us make as good a night of it as we can. We may still light candles. Frugality and industry will go a great way towards indemnifying us." But Thomson, in his answer, with truer foresight, observed, "I much fear, instead of the candles you mentioned being lighted, you will hear of the works of darkness!" The news of the passage of the Stamp Act was greeted in America with a burst of indignation. In New York, the act was reprinted with a death's-head upon it in place of the royal arms, and it was hawked about the streets under the title of *The Folly of England and the Ruin of America*. In Boston, the church-bells were tolled, and the flags on the shipping put at half-mast.

But formal defiance came first from Virginia. A year and a half before, a

famous lawsuit, known as the "Parsons Cause," had brought into public notice a young man who was destined to take rank as one of the greatest of modern orators. The lawsuit which made Patrick Henry's reputation was one of the straws which showed how the stream of tendency in America was then strongly setting toward independence. Tobacco had not yet ceased to be the legal currency of Virginia, and by virtue of an old statute each clergyman of the Established Church was entitled to sixteen thousand pounds of tobacco as his yearly salary. In 1755 and 1758, under the severe pressure of the French war, the assembly had passed relief acts, allowing all public dues, including the salaries of the clergy, to be paid either in kind or in money, at a fixed rate of twopence for a pound of tobacco. The policy of these acts was thoroughly unsound, as they involved a partial repudiation of debts; but the extreme distress of the community was pleaded in excuse, and every one, clergy as well as laymen, at first acquiesced in them. But in 1759, tobacco was worth sixpence per pound, and the clergy became dissatisfied. Their complaints reached the ears of Sherlock, the Bishop of London, and the act of 1758 was summarily vetoed by the king in council. The clergy brought suits to recover the unpaid portions of their salaries; in the test case of Rev. James Maury, the court decided the point of the law in their favor, on the ground of the royal veto, and nothing remained but to settle before a jury the amount of the damages. On this occasion, Henry appeared for the first time in court, and after a few timid and awkward sentences burst forth with an eloquent speech, in which he asserted the indefeasible right of Virginia to make laws for herself, and declared that in annulling a salutary ordinance at the request of a favored class in the community "a king, from being the father of his people, degenerates into a tyrant,

and forfeits all right to obedience." Cries of "Treason!" were heard in the court-room, but the jury immediately returned a verdict of one penny in damages, and Henry became the popular idol of Virginia. The clergy tried in vain to have him indicted for treason, alleging that his crime was hardly less heinous than that which had brought old Lord Lovat to the block. But the people of Louisa County replied, in 1765, by choosing him to represent them in the colonial assembly.

Hardly had Henry taken his seat in the assembly when the news of the Stamp Act arrived. In a committee of the whole house, he drew up a series of resolutions, declaring that the colonists were entitled to all the liberties and privileges of natural-born subjects, and that "the taxation of the people by themselves, or by persons chosen by themselves to represent them, . . . is the distinguishing characteristic of British freedom, without which the ancient constitution cannot exist." It was further declared that any attempt to vest the power of taxation in any other body than the colonial assembly was a menace to British no less than to American freedom; that the people of Virginia were not bound to obey any law enacted in disregard of these fundamental principles; and that any one who should maintain the contrary should be regarded as a public enemy. It was in the furious debate which ensued upon these resolutions, that Henry uttered those memorable words commending the example of Tarquin and Cæsar and Charles I. to the attention of George III. Before the vote had been taken upon all the resolutions, Governor Fauquier dissolved the assembly; but the resolutions were printed in the newspapers, and hailed with approval all over the country.

Meanwhile, the Massachusetts legislature, at the suggestion of Otis, had issued a circular letter to all the colonies, calling for a general congress, in order

to concert measures of resistance to the Stamp Act. The first cordial response came from South Carolina, at the instance of Christopher Gadsden, a wealthy merchant of Charleston and a scholar learned in Oriental languages, a man of rare sagacity and most liberal spirit. On the 7th of October, the proposed congress assembled at New York, comprising delegates from Massachusetts, South Carolina, Pennsylvania, Rhode Island, Connecticut, Delaware, Maryland, New Jersey, and New York, in all nine colonies, which are here mentioned in the order of the dates at which they chose their delegates. In Virginia, the governor succeeded in preventing the meeting of the legislature, so that this great colony did not send delegates; and for various reasons, New Hampshire, North Carolina, and Georgia were likewise unrepresented at the congress. But the sentiment of all the thirteen colonies was none the less unanimous, and those which did not attend lost no time in declaring their full concurrence with what was done at New York. At this memorable meeting, held under the very guns of the British fleet and hard by the headquarters of General Gage, the commander-in-chief of the regular forces in America, a series of resolutions were adopted, echoing the spirit of Patrick Henry's resolves, though couched in language somewhat more conciliatory, and memorials were addressed to the king and to both Houses of Parliament. Of all the delegates present, Gadsden took the broadest ground, in behalf both of liberty and of united action among the colonies. He objected to sending petitions to Parliament, lest thereby its paramount authority should implicitly and unwittingly be acknowledged. "A confirmation of our essential and common rights as Englishmen," said he, "may be pleaded from charters safely enough; but any further dependence on them may be fatal. We should stand upon the broad common ground of those nat-

ural rights that we all feel and know as men and as descendants of Englishmen. I wish the charters may not ensnare us at last, by drawing different colonies to act differently in this great cause. Whenever that is the case, all will be over with the whole. There ought to be no New England man, no New Yorker, known on the continent; but all of us Americans." So thought and said this broad-minded South Carolinian.

While these things were going on at New York, the Massachusetts assembly, under the lead of Samuel Adams, who had just taken his seat in it, drew up a very able state paper, in which it was declared, among other things, that "the Stamp Act wholly cancels the very conditions upon which our ancestors, with much toil and blood and at their sole expense, settled this country and enlarged his majesty's dominions. It tends to destroy that mutual confidence and affection, as well as that equality, which ought ever to subsist among all his majesty's subjects in this wide and extended empire; and, what is the worst of all evils, if his majesty's American subjects are not to be governed according to the known and stated rules of the constitution, their minds may in time become disaffected." This moderate and dignified statement was derided in England as the "raving of a parcel of wild enthusiasts," but from the position here taken Massachusetts never afterward receded.

But it was not only in these formal and decorous proceedings that the spirit of resistance was exhibited. The first announcement of the Stamp Act had called into existence a group of secret societies of workingmen known as "Sons of Liberty," in allusion to a famous phrase in one of Colonel Barré's speeches. These societies were solemnly pledged to resist the execution of the obnoxious law. On the 14th of August, the quiet town of Boston witnessed some extraordinary proceedings. At daybreak, the

effigy of the stamp officer, Oliver, was seen hanging from a great elm-tree, while near it was suspended a boot, to represent the late Prime Minister, Lord Bute; and from the top of the boot-leg there issued a grotesque head, garnished with horns, to represent the devil. At nightfall the Sons of Liberty cut down these figures, and bore them on a bier through the streets until they reached King Street, where they demolished the frame of a house which was supposed to be erecting for a stamp office. Thence, carrying the beams of this frame to Fort Hill, where Oliver lived, they made a bonfire of them in front of his house, and in the bonfire they burned up the effigies. Twelve days after, a mob sacked the splendid house of Chief Justice Hutchinson, threw his plate into the street, and destroyed the valuable library which he had been thirty years in collecting, and which contained many manuscripts, the loss of which was quite irreparable. As usual with mobs, the vengeance fell in the wrong place, for Hutchinson had done his best to prevent the passage of the Stamp Act. In most of the colonies, the stamp officers were compelled to resign their posts. Boxes of stamps arriving by ship were burned or thrown into the sea. Leading merchants agreed to import no more goods from England, and wealthy citizens set the example of dressing in homespun garments. Lawyers agreed to overlook the absence of the stamp on legal documents, while editors derisively issued their newspapers with a death's-head in the place where the stamp was required to be put. In New York, the presence of the troops for a moment encouraged the lieutenant-governor, Colden, to take a bold stand in behalf of the law. He talked of firing upon the people, but was warned that if he did so he would be speedily hanged on a lamp-post, like Captain Porteous, of Edinburgh. A torchlight procession, carrying images of Colden and of the devil, broke into the

governor's coach-house, and, seizing his best chariot, paraded it about town with the images upon it, and finally burned up chariot and images on the Bowling Green, in full sight of Colden and the garrison, who looked on from the Battery, speechless with rage, but afraid to interfere. Gage did not dare to have the troops used, for fear of bringing on a civil war; and the next day the discomfited Colden was obliged to surrender all the stamps to the common council of New York, by whom they were at once locked up in the City Hall.

Nothing more was needed to prove the impossibility of carrying the Stamp Act into effect. An act which could be thus rudely defied under the very eyes of the commander-in-chief plainly could never be enforced without a war. But nobody wanted a war, and the matter began to be reconsidered in England. In July, the Grenville ministry had gone out of office, and the Marquis of Rockingham was now Prime Minister, while Conway, who had been one of the most energetic opponents of the Stamp Act, was Secretary of State for the colonies. The new ministry would perhaps have been glad to let the question of taxing America remain in abeyance, but that was no longer possible. The debate on the proposed repeal of the Stamp Act was one of the fiercest that has ever been heard in the House of Commons. Grenville and his friends, now in opposition, maintained in all sincerity that no demand could ever be more just, or more honorably intended, than that which had lately been made upon the Americans. Of the honest conviction of Grenville and his supporters that they were entirely in the right, and that the Americans were governed by purely sordid and vulgar motives in resisting the Stamp Act, there cannot be the slightest doubt. To refute this gross misconception of the American position, Pitt hastened from a sick-bed to the House of Commons, and delivered those speeches, in which

he avowed that he rejoiced in the resistance of the Americans, and declared that, had they submitted tamely to the measures of Grenville, they would have shown themselves only fit to be slaves. He pointed out distinctly that the Americans were upholding those eternal principles of political justice which should be to all Englishmen most dear, and that a victory over the colonies would be of ill-omen for English liberty, whether in the Old World or in the New. Beware, he said, how you persist in this ill-considered policy. "In such a cause your success would be hazardous. America, if she fell, would fall like the strong man with his arms around the pillars of the Constitution." There could be no sounder political philosophy than was contained in these burning sentences of Pitt. From all the history of the European world since the later days of the Roman Republic, there is no more important lesson to be learned than this, — that it is impossible for a free people to govern a dependent people despotically without endangering its own freedom. Pitt therefore urged that the Stamp Act should instantly be repealed, and that the reason for the repeal should be explicitly stated to be because the act "was founded on an erroneous principle." At the same time he recommended the passage of a Declaratory Act, in which the sovereign authority of Parliament over the colonies should be strongly asserted with respect to everything except direct taxation. Similar views were set forth in the House of Lords, with great learning and ability, by Lord Camden; but he was vehemently opposed by Lord Mansfield, and when the question came to a decision the only peers who supported Camden were Lords Shelburne, Cornwallis, Paulet, and Torrington. The result finally reached was the unconditional repeal of the Stamp Act, and the simultaneous passage of a Declaratory Act, in which the views of Pitt and Camden were ignored, and Parlia-

ment asserted its right to make laws binding on the colonies "in all cases whatsoever." By the people of London the repeal was received with enthusiastic delight, and Pitt and Conway, as they appeared on the street, were loudly cheered, while Grenville was greeted with a storm of hisses. In America the effect of the news was electric. There were bonfires in every town, while addresses of thanks to the king were voted in all the legislatures. Little heed was paid to the Declaratory Act, which was regarded merely as an artifice for saving the pride of the British government. There was a unanimous outburst of loyalty all over the country, and never did the people seem less in a mood for rebellion than now.

The quarrel had now been made up. On the question of principle, the British had the last word. The government had got out of its dilemma remarkably well, and the plain and obvious course for British statesmanship was not to allow another such direct issue to come up between the colonies and the mother country. To force on another such issue while the memory of this one was fresh in everybody's mind was sheer madness. To raise the question wantonly, as Charles Townshend did in the course of the very next year, was one of those blunders that are worse than crimes.

In July, 1766, — less than six months after the repeal of the Stamp Act, — the Rockingham ministry fell, and the formation of a new ministry was entrusted to Pitt, the man who best appreciated the value of the American colonies. But the state of Pitt's health was not such as to warrant his taking upon himself the arduous duties of Prime Minister. He took the great seal, and, accepting the earldom of Chatham, passed into the House of Lords. The Duke of Grafton became Prime Minister, under Pitt's guidance; Conway and Lord Shelburne were Secretaries of State, and Camden became Lord Chancellor, — all three of

them warmest friends of the Americans, and adopting the extreme American view of the constitutional questions lately at issue; and along with these was Charles Townshend, the evil spirit of the administration, as Chancellor of the Exchequer. From such a ministry, it might at first sight seem strange that a fresh quarrel with America should have proceeded. But Chatham's illness soon overpowered him, so that he was kept at home suffering excruciating pain, and could neither guide nor even pay due attention to the proceedings of his colleagues. Of the rest of the ministry, only Conway and Townshend were in the House of Commons, where the real direction of affairs rested; and when Lord Chatham was out of the way, as the Duke of Grafton counted for nothing, the strongest man in the cabinet was unquestionably Townshend. Now when an act for raising an American revenue was proposed by Townshend, a prejudice against it was sure to be excited at once, simply because every American knew well what Townshend's views were. It would have been difficult for such a man even to assume a conciliatory attitude without having his motives suspected; and if the question with Great Britain had been simply that of raising a revenue on statesmanlike principles, it would have been well to entrust the business to some one like Lord Shelburne, in whom the Americans had confidence. In 1767, Townshend ventured to do what in any English ministry of the present day would be impossible. In flat opposition to the policy of Chatham and the rest of his colleagues, trusting in the favor of the king and in his own ability to coax or browbeat the House of Commons, he audaciously brought in a series of new measures for taxing America. "I expect to be dismissed for my pains," he said in the House, with flippant defiance; and indeed he came very near it. As soon as he heard what was going on, Chatham mustered up strength enough to go

to London and insist upon Townshend's dismissal. But Lord North was the only person that could be thought of to take Townshend's place, and Lord North, who never could bear to offend the king, declined the appointment. Before Chatham could devise a way out of his quandary, his malady again laid him prostrate, and Townshend was not only not turned out, but was left practically supreme in the cabinet. The new measures for taxing America were soon passed. In the debates on the Stamp Act, it had been argued that while Parliament had no right to impose a direct tax upon the Americans, it might still properly regulate American trade by port duties. The distinction had been insisted upon by Pitt, and had been virtually acknowledged by the Americans, who had from time to time submitted to acts of Parliament imposing duties upon merchandise imported into the colonies. Nay, more, when charged with inconsistency for submitting to such acts while resisting the Stamp Act, several leading Americans had explicitly adopted the distinction between internal and external taxation, and declared themselves ready to submit to the latter while determined to resist the former. Townshend was now ready, as he declared, to take them at their word. By way of doing so, he began by laughing to scorn the distinction between internal and external taxation, and declaring that Parliament possessed the undoubted right of taxing the Americans without their own consent; but since objections had been raised to a direct tax, he was willing to resort to port duties, — a measure to which the Americans were logically bound to assent. Duties were accordingly imposed on wine, oil, and fruits, if carried directly to America from Spain or Portugal; on glass, paper, lead, and painters' colors; and lastly on tea. The revenue to be derived from these duties was to be devoted to paying a fixed salary to the royal governors and

to the justices appointed at the king's pleasure. The Crown was also empowered to create a general civil list in every colony, and to grant salaries and pensions at its arbitrary will. A board of revenue commissioners for the whole country was to be established at Boston, armed with extraordinary powers; and general writs of assistance were expressly legalized and permitted.

Such was the way in which Townshend proceeded to take the Americans at their word. His course was a distinct warning to the Americans that, if they yielded now, they might expect some new Stamp Act or other measures of direct taxation to follow; and so it simply invited resistance. That no doubt might be left on this point, the purpose for which the revenue was to be used showed clearly that the object of this legislation was not to regulate trade, but to assert British supremacy over the colonies at the expense of their political freedom. By providing for a civil list in each colony, to be responsible only to the Crown, it aimed at American self-government even a more deadly blow than had been aimed at it by the Stamp Act. It meddled with the "internal police" of every colony, and would thus have introduced a most vexatious form of tyranny as soon as it had taken effect. A special act by which the Townshend revenue acts were accompanied still further revealed the temper and purposes of the British government. The colony of New York had been required to provide certain supplies for the regular troops quartered in the city, under command of General Gage; and the colonial assembly had insisted upon providing these supplies in its own way, and in disregard of special instructions from England. For this offense, Parliament now passed an act suspending the New York assembly from its legislative functions until it should have complied with the instructions regarding the supplies to the army. It need not be said that the

precedent involved in this act, if once admitted, would have virtually annulled the legislative independence of every one of the colonial assemblies.

We may perhaps wonder that an English Parliament should have been prevailed on to pass such audacious acts as these, and by large majorities. But we must remember that in those days the English system of representation was so imperfect, and had come to be so overgrown with abuses, that an act of Parliament was by no means sure to represent the average judgment of the English people. The House of Commons was so far under the corrupt influence of the aristocracy, and was so inadequately controlled by popular opinion, that at almost any time it was possible for an eloquent, determined, and unscrupulous minister to carry measures through it such as could never have been carried through any of the reformed Parliaments since 1832. It is not easy, perhaps, to say with confidence what the popular feeling in England was in 1767 with reference to the policy of Charles Townshend. The rural population was much more ignorant than it is to-day, and its political opinions were strongly influenced by the country squires,—a worthy set of men, but not generally distinguished for the flexibility of their minds or the breadth of their views. But as a sample of the most intelligent popular feeling in England at that time, it will probably not be unfair to cite that of the city of London, which was usually found arrayed on the side of free government. No wiser advice was heard in Parliament, on the subject of the New York dispute, than was given by Alderman Beckford, father of the illustrious author of *Vathek*, when he said, "Do like the best of physicians, and heal the disease by doing nothing." On many other important occasions in the course of this unfortunate quarrel, the city of London gave expression to opinions which the king and Parliament

would have done well to heed. But even if the House of Commons had reflected popular feeling in 1767 as clearly as it has done since 1832, it is by no means sure that it would have known how to deal successfully with the American question. The problem was really a new one in political history; and there was no adequate precedent to guide the statesmen in dealing with the peculiar combination of considerations it involved. As far as concerned the relations of Englishmen in England to the Crown and to Parliament, the British Constitution had at last reached a point where it worked quite smoothly. All contingencies likely to arise seemed to have been provided for. But when it came to the relations of Englishmen in America to the Crown and to Parliament, the case was very different. The case had its peculiar conditions, which the British Constitution in skillful hands would no doubt have proved elastic enough to satisfy; but just at this time, the British Constitution happened to be in very unskillful hands, and wholly failed to meet the exigencies of the occasion. The chief difficulty lay in the fact that while on the one hand the American principle of no taxation without representation was unquestionably sound and just, on the other hand the exemption of any part of the British Empire from the jurisdiction of Parliament seemed equivalent to destroying the political unity of the empire. This could not but seem to any English statesman a most lamentable result, and no English statesman felt this more strongly than Lord Chatham.

There were only two possible ways in which the difference could be accommodated. Either the American colonies must elect representatives to the Parliament at Westminster; or else the right of levying taxes must be left where it already resided, in their own legislative bodies. The first alternative was seriously considered by eminent political

thinkers, both in England and America. In England it was favorably regarded by Adam Smith, and in America by Benjamin Franklin and James Otis. In 1774, some of the loyalists in the first Continental Congress recommended such a scheme. In 1778, after the overthrow of Burgoyne, the king himself began to think favorably of such a way out of the quarrel. But this alternative was doubtless from the first quite visionary and impractical. The difficulties in the way of securing anything like equality of representation would probably have been insuperable; and the difficulty in dividing jurisdiction fairly between the local colonial legislature and the American contingent in the Parliament at Westminster would far have exceeded any of the difficulties that have arisen in the attempt to adjust the relations of the several States to the general government in our Federal Union. Mere distance, too, which even to-day would go far toward rendering such a scheme impracticable, would have been a still more fatal obstacle in the days of Chatham and Townshend. If, even with the vast enlargement of the political horizon which our hundred years' experience of federalism has effected, the difficulty of such a union still seems so great, we may be sure it would have proved quite insuperable then. The only practicable solution would have been the frank and cordial admission, by the British government, of the essential soundness of the American position that, in accordance with the entire spirit of the English Constitution, the right of levying taxes in America resided only in the colonial legislatures, in which alone could American freemen be adequately represented. Nor was there really any reason to fear that such a step would imperil the unity of the empire. How mistaken this fear was, on the part of English statesmen, is best shown by the fact that, in her liberal and enlightened dealings with her colo-

nies at the present day, England has consistently adopted the very course of action which alone would have conciliated such men as Samuel Adams in the days of the Stamp Act. By pursuing such a policy, the British government has today a genuine hold upon the affections of its pioneers in Australia and New Zealand and Africa. If such a statesman as Gladstone could have dealt freely with the American question during the twelve years following the Peace of Paris, the history of that time need not have been the pitiable story of a blind and obstinate effort to enforce submission to an ill-considered and arbitrary policy on the part of the king and his ministers. The feeling by which the king's party was guided, in the treatment of the American question, was very much the same as the feeling which lately inspired the Tory criticisms upon Gladstone's policy in South Africa. Lord Beaconsfield — a man in many respects remarkably like Charles Townshend — bequeathed to his successor a thoroughly unjustifiable quarrel with the Dutch farmers of the Transvaal; and Mr. Gladstone, after examining the case on its merits, had the moral courage to acknowledge that England was wrong, and to concede the demands of the Boers, even after three successive military defeats at their hands. Perhaps no other public act of England in the nineteenth century has done her greater honor than this. But said the Tories, All the world will now laugh at Englishmen, and call them cowards. In order to vindicate the military prestige of England, the true policy would be, forsooth, to prolong the war until the Boers had been once thoroughly defeated, and then grant them self-government. Just as if the whole world did not know, as well as it can possibly know anything, that whatever qualities the English nation may lack, it certainly does not lack courage, or the ability to win victories in a good cause! All honor to the Christian statesman

who dares to leave England's military prestige to be vindicated by the glorious records of a thousand years, and even in the hour of well-merited defeat sets a higher value on political justice than on a reputation for dealing hard blows! Such incidents as this are big with hope for the future. They show us what sort of political morality our children's children may expect to see, when mankind shall have come somewhat nearer toward being truly civilized.

In the eighteenth century, no such exhibition of good sense and good feeling, in the interest of political justice, could have been expected from any European statesman, unless from a Turgot or a Chatham. But Charles Townshend was not even called upon to exercise any such self-control. Had he simply taken Alderman Beckford's advice, and done nothing, all would have been well; but his meddling had now put the government into a position which it was ruinous to maintain, but from which it was difficult to retreat. American tradition rightly lays the chief blame for the troubles which brought on the Revolutionary War to George III.; but, in fairness, it is well to remember that he did not suggest Townshend's measures, though he zealously adopted and cherished them when once propounded. The blame for wantonly throwing the apple of discord belongs to Townshend more than to any one else. After doing this, within three months from the time his bills had passed the House of Commons, Townshend was seized with a fever, and died at the age of forty-one. A man of extraordinary gifts, but without a trace of earnest moral conviction, he had entered upon a splendid career; but his insincere nature, which turned everything into jest, had stamped itself upon his work. He bequeathed to his country nothing but the quarrel which was soon to deprive her of the grandest part of that empire upon which the sun shall never set.

If Townshend's immediate object in

originating these measures was to curry favor with George III., and get the lion's share in the disposal of the king's immense corruption-fund, he had doubtless gone to work in the right way. The king was delighted with Townshend's measures, and after the sudden death of his minister he made them his own, and staked his whole political career as a monarch upon their success. These measures were the fatal legacy which the brighter political charlatan left to the duller political fanatic. The fierce persistency with which George now sought to force Townshend's measures upon the Americans partook of the nature of fanaticism, and we shall not understand it unless we bear in mind the state of political parties in England between 1760 and 1784. When George III. came to the throne, in 1760, England had been governed for more than half a century by the great Whig families which had been brought into the foreground by the revolution of 1688. The Tories had been utterly discredited and cast out of political life by reason of their willingness to conspire with the Stuart pretenders in disturbing the peace of the country. Cabinet government, in its modern form, had begun to grow up during the long and prosperous administration of Sir Robert Walpole, who was the first English Prime Minister in the full sense. Under Walpole's wise and powerful sway, the first two Georges had possessed scarcely more than the shadow of sovereignty. It was the third George's ambition to become a real king, like the king of France or the king of Spain. From earliest babyhood, his mother had forever been impressing upon him the precept, "George, be king!" and this simple lesson had constituted pretty much the whole of his education. Popular tradition regards him as the most ignorant king that ever sat upon the English throne; and so far as general culture is concerned, this opinion is undoubtedly correct. He used to wonder

what people could find to admire in such a wretched driveler as Shakespeare, and he never was capable of understanding any problem which required the slightest trace of imagination or of generalizing power. Nevertheless, the popular American tradition undoubtedly errs in exaggerating his stupidity, and laying too little stress upon the worst side of his character. George III. was not destitute of a certain kind of ability, which often gets highly rated in this not too clear-sighted world. He could see an immediate end very distinctly, and acquired considerable power from the dogged industry with which he pursued it. In an age where some of the noblest English statesmen drank their gallon of strong wine daily, or sat late at the gambling-table, or lived in scarcely hidden concubinage, George III. was decorous in personal habits and pure in domestic relations, and no banker's clerk in London applied himself to the details of business more industriously than he. He had a genuine talent for administration, and he devoted this talent most assiduously to selfish ends. Scantly endowed with human sympathy, and almost boorishly stiff in his ordinary unstudied manner, he could be smooth as oil whenever he liked. He was an adept in gaining men's confidence by a show of interest, and securing their aid by dint of fair promises; and when he found them of no further use, he could turn them adrift with wanton insult. Any one who dared to disagree with him upon even the slightest point of policy he straightway regarded as a natural enemy, and pursued him ever afterward with vindictive hatred. As a natural consequence, he surrounded himself with weak and short-sighted advisers, and toward all statesmen of broad views and independent character he nursed the bitterest rancor. He had little faith in human honor or rectitude. In pursuing an end he was not often deterred by scruples, and as a liar — well, mendacity has

usually been part of the royal prerogative in most countries!

Such was the man who, on coming to the throne in 1760, had it for his first and chiefest thought to break down the growing system of cabinet government in England. For the moment circumstances seemed to favor him. The ascendancy of the great Whig families was endangered on two sides. On the one hand, the Tory party had outlived that idle, romantic love for the Stuarts upon which it found it impossible to thrive. The Tories began coming to court again, and they gave the new king all the benefit of their superstitious theories of high prerogative and divine right. On the other hand, a strong popular feeling was beginning to grow up against parliamentary government as conducted by the old Whig families. The House of Commons no longer fairly represented the people. Ancient boroughs, which possessed but a handful of population, or, like Old Sarum, had no inhabitants at all, still sent their representatives to Parliament, while great cities of recent growth, such as Birmingham and Leeds, were unrepresented. To a great extent, it was the most progressive parts of the kingdom which were thus excluded from a share in the government, while the rotten boroughs were disposed of by secret lobbying, or even by open bargain and sale. A few Whig families, the heads of which sat in the House of Lords, thus virtually owned a considerable part of the House of Commons; and, under such circumstances, it was not at all strange that Parliament should sometimes, as in the Wilkes case, array itself in flat opposition to the will of the people. The only wonder is that there were not more such scandals. The party of "Old Whigs," numbering in its ranks some of the ablest and most patriotic men in England, was contented with this state of things, upon which it had thrived for two generations, and could not be made to understand the

iniquity of it, — any more than an old cut-and-dried American politician in our time can be made to understand the iniquity of the "spoils system." Of this party, the Marquis of Rockingham was the political leader, and Edmund Burke was the great representative statesman. In strong opposition to the Old Whig policy there had grown up the party of New Whigs, bent upon bringing about some measure of parliamentary reform, whereby the House of Commons might truly represent the people of Great Britain. In Parliament this party was small in numbers, but weighty in character, and at its head was the greatest Englishman of the eighteenth century, the elder William Pitt, under whose guidance England had won her Indian empire and established her dominion over the seas, while she had driven the French from America, and enabled Frederick the Great to lay the foundations of modern Germany.

Now when George III. came to the throne, he took advantage of this division in the two parties in order to break down the power of the Old Whig families, which so long had ruled the country. To this end he used the revived Tory party with great effect, and bid against the Old Whigs for the rotten boroughs; and in playing off one set of prejudices and interests against another, he displayed in the highest degree the cunning and craft of a self-seeking politician. His ordinary methods would have aroused the envy of Tammany. While engaged in such work, he had sense enough to see that the party from which he had most to fear was that of the New Whigs, whose scheme of parliamentary reform, if ever successful, would deprive him of the machinery of corruption upon which he relied. Much as he hated the Old Whig families, he hated Pitt and his followers still more heartily. He was perpetually denouncing Pitt as a "trumpeter of sedition," and often vehemently declared in public, and

in the most offensive manner, that he wished that great man were dead. Such had been his eagerness to cast discredit upon Pitt's policy that he had utterly lost sight of the imperial interests of England, which indeed his narrow intelligence was incapable of comprehending. One of the first acts of his reign had been to throw away Cuba and the Philippine Islands, which Pitt had just conquered from Spain; while at the same time, by leaving Prussia in the lurch before the Seven Years' War had fairly closed, he converted the great Frederick from one of England's warmest friends into one of her bitterest enemies.

This political attitude of George III. toward the Whigs in general, and toward Pitt in particular, explains the fierce obstinacy with which he took up and carried on Townshend's quarrel with the American colonies. For if the American position, that there should be no taxation without representation, were once to be granted, then it would straightway become necessary to admit the principles of parliamentary reform. The same principle that applied to such commonwealths as Massachusetts and Virginia would be forthwith applied to such towns as Birmingham and Leeds. The system of rotten boroughs would be swept away; the chief engine of kingly corruption would thus be destroyed; a reformed House of Commons, with the people at its back, would curb forever the pretensions of the Crown; and the detested Lord Chatham would become the real ruler of a renovated England, in which George III. would be a personage of very little political importance.

In these considerations we find the explanation of the acts of George III. which brought on the American Revolution, and we see why it is historically correct to regard him as the person chiefly responsible for the quarrel. The obstinacy with which he refused to listen to a word of reason from America was largely due to the exigencies of the po-

litical situation in which he found himself. For him, as well as for the colonies, it was a desperate struggle for political existence. He was glad to force on the issue in America rather than in England, because it would be comparatively easy to enlist British local feeling against the Americans as a remote set of "rebels," with whom Englishmen had no interests in common, and thus obscure the real nature of the issue. Herein he showed himself a cunning politician, though an ignoble statesman. By playing off against each other the two sections of the Whig party, he continued for a while to carry his point; and had he succeeded in overcoming the American resistance, and calling into England a well-trained army of victorious mercenaries, the political quarrel there could hardly have failed to develop into a civil

war. A new rebellion would perhaps have overthrown George III. as James II. had been overthrown a century before. As it was, the victory of the Americans put an end to the personal government of the king in 1784, so quietly that the people scarcely realized the change. A peaceful election accomplished what otherwise could hardly have been effected without bloodshed. So while George III. lost the fairest portion of the British Empire, it was the sturdy Americans who, fighting the battle of freedom at once for the Old World and for the New, ended by overwhelming all his paltry schemes for personal aggrandizement in hopeless ruin, leaving him for posterity to contemplate as one of the most instructive examples of short-sighted folly that modern history affords.

John Fiske.

FOUR BOOKS OF VERSE.

A CRITIC has unsuspected pleasures, — pleasures which only the wisest of the wise would consider possible to a person in his supercilious trade. One of these is coldly, if not doubtfully, to take up a little book of rhyme, and suddenly find himself a charmed reader. Nowadays this does not often happen even to the most susceptible critic; but something similar to this has just befallen us. Dr. Mitchell's *A Masque and Other Poems*¹ is nearly a surprise, and entirely a delight. In certain respects it seems to us the most notable volume of recent American verse. The poems are chiefly dramatic in spirit, and in several instances dramatic in form. They possess strength, fire, directness, originality of conception, and are a positive addition to our scant

store of this kind of poetry. We find in them admirable things admirably said; a scorn of the commonplace in thought and diction; a finely trained, observant intellect expressing itself picturesquely and dramatically. In *The Huguenot* Dr. Mitchell proves — what an imaginative writer can always prove — that all the stories have not been told, much contemporary fiction to the contrary notwithstanding. The same freshness of *motif* and the same self-respecting care in workmanship are noticeable in *The Sketch*, *A Medal*, and that very striking narrative poem called *The Swan-Woman*. The brief dramatic scene that lends its title to the volume is especially charming through its ingenuity of plot and its skillfully guarded climax, which instantly sets one to re-reading the little drama. *A Masque* belongs to that order of things which offers a new lure at each

¹ *A Masque and Other Poems.* By S. WEIR MITCHELL, M. D., LL. D. Boston: Houghton, Mifflin & Co. 1887.

perusal. We refrain from laying bare the secret of the theme, — it shows to best advantage wrapped in its own music, like a fly in amber; but we shall not deny ourselves the satisfaction of copying the following lyric. One has for the most part to go back to the Elizabethan playwrights in order to get just this unpremeditated, bird-like quality:

"A man and a maid
The warder prayed.
Here is gold, said he,
But a look gave she;
Sweet eyes went in,
And the man was stayed.
For this is the way
The world to win,
The world to win.
Honey of kisses,
Honey of sin, —
This is the way
The world to win."

Poverty of space gives us strength to resist the temptation to fill a page or two with extracts in a different sort. Isolated passages, however, establish nothing. A quotable line here and there does not necessarily constitute a good poem, though that is a poor poem in which there is no quotable line. Felicitous phrases and new epithets abound in Dr. Mitchell's work. For a single example, this description of an antique coin: —

"Match me this warrior-maid, — this huntress
lithe
Set in the changeless chastity of gold."

One of the marked characteristics of these poems is their novel, concrete imagery. As an illustration, we have, on page 51, a mythical Asian mountain,

"Whose nameless towers
Use the plains a hundred miles off
For their dial of the hours."

It is refreshing, in a period of toddling *trioletts*, to come across a verse that dares to fly.

We have spoken of Dr. Mitchell's careful workmanship. We shall not insist upon it too strongly, not wishing to rouse the ire of those critics who despise

form; for, as Browning beautifully observes, —

"The barrel of blasphemy broached once,
who bungs?"

We will limit ourselves, then, to saying that our author is seldom at fault in his technique, and is not often to be caught attempting to pass off such clipped and obsolete coin as *lated*. The texture of his verse generally will bear comparison with the best. Of course there are several pieces in the collection which fall short of those we have named, — as, for instance, *Rain in Camp*, and *A Doctor's Century*, the latter lacking that indescribable *timbre* which makes delightful the lines concerning George Bancroft on his eighty-sixth birthday. The lines in question are supposed to be addressed to the venerable historian by a decanter of Madeira, — such as Philadelphia knows, — also born in 1800. No future anthology of *vers de société* will be complete without the delicate, high-bred humor of these stanzas. They everywhere reveal that lightness and precision of touch which come only of serious practice. We were on the point of saying that in Weir Mitchell a very accomplished poet was lost in the scientist. It is by no means certain that this poet has not been found.

It is always a satisfaction to note poetic growth, and not the less when crudities and extravagances of expression indicate that the end of growth has by no means been attained. The expectation with which we greeted Miss Guiney's *Songs at the Start*, two or three years ago, has been much more than realized in her later book, *The White Sail and Other Poems*,¹ the "other poems" being classed under *Legends, Lyrics, and Sonnets*. The *White Sail* is the story of Theseus's neglect to change his black sail for a white one, when returning triumphant from Crete, and the conse-

¹ *The White Sail and Other Poems*. By LOUISE IMOGEN GUINEY. Boston: Ticknor & Co.

quent self-destruction of Ægeus. It is Greek in its incident, but romantic in treatment, as note especially the introduction of the two songs by Alcamenes and Theron, the latter of whom is bidden by the king to "engird" his "pain with some thrice-gallant catch, some madrigal." We are not taxing Miss Guiney with mere verbal anachronism, but reminding her that the whole spirit of the two songs, and, to a less degree, of the narrative itself, reflects an introverted, complex mind, and has little to do with the single-minded, straight-away course of Greek mythic story. It is more the pity since the *naïveté* of the *dénoûment* in the Greek story is not marred in Miss Guiney's version.

But Greece is left behind with this story, and Miss Guiney is in a more native element when dealing with Roman and mediæval subjects. Her division of Legends shows her strength better than that of Lyrics. She needs a story in order to secure a concrete and well-defined theme: for her method is in general so oblique and allusive that she runs the risk of glancing off from the mark, and leaving the reader in a somewhat painful uncertainty what has been hit. This method has its advantage, as indeed it is at home in the legendary form, which assimilates the ballad, for the ballad supposes a drama. Thus The Rising of the Tide, perhaps the strongest poem in the book, suggests two or three stories; and only when one has reached the last line does he see the whole force of the legend, though even then he would fain have, not a foot-note, but a little more distinct disclosure in the beginning to which to look back. Tarpeia is more direct and narrative, yet this poem has lines which seem to indicate an inability to keep to a straight course, a disposition to import into the legend readings which do not accord with the legend itself. Something of the same confusion or indistinctness attaches to The Caliph and the Beggar, and

scarcely one of these longer poems but has one or more intrusive lines. In The Serpent's Crown, which is almost a riddle, wholly a parable, one, after stumbling over some very consonantal lines, takes a rather quick slide over the line, — "Oh, I had once some wild schemes under my hat."

We have hinted at what appears to be a snare in Miss Guiney's path. She is so ambitious to be terse and sinewy, she evidently holds in such disdain the smooth ways of fluent versifiers, that she allows herself to tie knots in her sentences, and to hump her lines into a rugged insolence which is not strength, but clumsy affectation of virility. Here are a few of the lines which cross the reader's path: —

"Then was the sacred and sequestered prime
Of liberation, benison, and peace;
When the round heaven, in summer's minis-
trance,

Rolled on its choral axle; till, at end
Like to a cloudlet that assails the blue,
Comely and yet with rains ingeminate,
Minos the Cretan unto Athens sent
His nimble princeling."

"Over her human forehead, reared among
glens abysmal,
Glitters a crown gold-gossamer; only a mo-
ment's are
Crosses the creature torrid, flexile, palpitant,
prismal,
Then breaks on the earth, a terror spiraling
into the dark."

"O loveliest one,
Lender of sixfold wings the while I run,
Whose tortoise-lyre saves yet for me its sweet
Cyllenic suasions old, to thy dim seat
Glory and grace!"

It would scarcely be fair to take single lines, rent from their context, but one who has read the book attentively will remember that it was necessary to go back from time to time, in a poem, for a fresh start, since the way seemed to be lost. This excess of vigor, which aims to pack a thought into the briefest possible space, and hammers out new words from odds and ends of old ones, will give way, we

trust, to a more harmonious measure. Miss Guiney shows that she has a good sense of rhythm, and, what is more, a conception of the capacity of different forms of verse; and if she will consent to be a little plainer in her meaning, a little less of a connoisseur in words, her verse will have more of growing life in it, and will not so readily suggest to the reader a linguistic museum. So much strength can well afford to expend itself in the perfection of form. We shall look with interest for the sane development of this writer's power.

The poem which opens the volume of Mr. Sill's posthumous publication strikes the key-note of his work.¹ Before the broken marble of the Venus of Milo a worshiper muses, and turns now and again for a contrasting figure to the Venus de' Medici, in which he sees the

"Spirit of all short-lived love
And outward, earthly loveliness."

He has no scorn for her, though by such phrases as "sly and servile grace" he treats her with a little lack of gallantry, but rather a pity for those who worship her, when they might kneel at the shrine of his goddess. For himself, he knows her charms and confesses her subtle power, yet his backward look at her is not one of regret or lingering passion. She beckons him, but he is not drawn. "Farewell," he cries, —

"Farewell, for thou hast lost me: keep thy train

Of worshipers; me thou dost lure in vain;
The inner passion, pure as very fire,
Burns to light ash the earthlier desire."

Then he turns with strong voice to the other: —

"O greater Aphrodite, unto thee
Let me not say farewell. What would earth be
Without thy presence? Surely unto me
A life-long weariness, a dull, bad dream.
Abide with me, and let thy calm brows beam
Fresh hope upon me every amber dawn,
New peace when evening's violet veil is drawn.

¹ *Poems*. By EDWARD ROWLAND SILL. Boston and New York: Houghton, Mifflin & Co. 1887.

Then, tho' I see along the glooming plain
The Medicean's waving hand again,
And white feet glimmering in the harvest-field,

I shall not turn, nor yield;
But as heaven deepens, and the Cross and Lyre
Lift up their stars beneath the Northern Crown,

Unto the yearning of the world's desire
I shall be 'ware of answer coming down;
And something, when my heart the darkness stills,

Shall tell me, without sound or any sight,
That other footsteps are upon the hills;
Till the dim earth is luminous with the light
Of the white dawn, from some far-hidden shore,

That shines upon thy forehead evermore."

It would be a narrow interpretation of this striking poem which held the speaker to be abjuring the delights of a sensuous love in the possession and anticipation of a nobler affection for intellectual and spiritual ideals, although this is involved in the thought. Rather, the poet sings the praises of the noble life, from the height of which all meaner pleasure may be coolly regarded, and the most seductive allurements dispassionately surveyed. The worshiper is beyond the reach of such temptation; his trials and tests are of another sort.

It is no accident that the erotic element is absent from this volume. Mr. Sill's mind was so clearly absorbed in the pursuit of spiritual shapes that the graces of humanity seem chiefly to have served as symbols for higher loveliness. A face at a concert draws him by the eloquence with which it responds to the appeal of the music, and discloses, with a like indefiniteness of line, the shades and tints and half-tints of the soul. Yet one does not greatly miss this note of love, because the note of friendliness is sounded so distinctly, — of friendliness for human life in its restlessness, doubt, earnestness, and faith. There is not much materialization, — the figures that flit across the pages are rarely given very dramatic vividness; but there is a passionate realization of human thought as issuing in action and determination of

purpose, a strong sympathy with men and women in their moments of spiritual struggle, which serves to make the reader oblivious to the lack of varied personalities.

What is this but saying that the poet has been himself the subject of many and diverse spiritual experiences, but has not hugged the delusion that these were his special, individual adventures? He has seen in them the common lot of man, and has been aware of kinship in life. The worshiper at the shrine of the Venus of Milo may muse in solitude, but he does not forget that he is one of an invisible throng of worshipers. This loneliness which is not selfish, this absorption which is not blind disregard of one's neighbor, this earnest penetration of mysteries which does not look to private gain, so characterizes Mr. Sill's loftier verse as to impart to it that element of vicariousness which saves the poetry of unrest from evaporation into vague, shifting forms. It makes it possible for one to translate the language into his own more familiar dialect. In a word, we are reading poetry which reflects spiritual states, and not personal, capricious moods.

Nevertheless, it is the personality, we repeat, which endows these poems with a penetrating gift. We are aware of a fine nature, ardent, generous, baffled at times and beaten back by adverse winds, yet pressing forward, and never really despairing. He is eager for more life; he will even look resolutely into those manifestations of the spirit which seem to deny the perpetuity of life, and the courage, not of despair, but of faith bids him track Death to his lair. Among the finest passages in this notable little volume are those which imagine the sudden encounter of Life with Death, and the clarion notes of *Quem Metui Moritura?* the calm supremacy of *A Morning Thought*, fitly close the volume; for they will linger in the ears of the reader as the lofty reach of this battling spirit.

We have not thought it necessary to copy freely from this book, since many of the poems have already been before our readers in these pages; and we have been too desirous of discovering the spirit which pervades the whole collection to speak in detail of those technical excellences which render Mr. Sill's verse so agreeable to the ear, those felicitous turns which make an incident, when he uses it, to have almost the effect of a whole drama, as notably in *The Links of Chance*. At the time of his death he was acquiring so thorough a mastery of his instrument that we had a right to expect constantly richer tones. The abundance of life which his nature demanded, the freedom with which he gave with open hands the best of everything that came to him, promised a fullness of expression which will always make this little volume, to those who study his career, a sad as well as an inspiring book.

Mr. Sill represents the poet whose material is thought, and whose constructions thus lack the clear outlines which belong to creations that are the images of visible beings and objects. He is a thinker having various modes of expression, and finding verse the natural vehicle for carrying certain ideas that are only illustrated by men and nature, not immanent in them. We pass to another order of poetry, like yet unlike, when we take up Miss Thomas's new book.¹ Here is a poet who is a thinker, not a thinker who is a poet; and though her thought is not so occupied with the ethical domain as is the case with Mr. Sill, it is penetrative of life, and in this book more even than in her former makes search into the depths of being. But the poetic faculty in Miss Thomas, that power which sees beneath the particular, which interprets and reconstructs in new and fitting form, in a

¹ *Lyrics and Sonnets*. By EDITH M. THOMAS. Boston and New York: Houghton, Mifflin & Co. 1887.

word the creative faculty, is the commanding one, and thought waits upon it.

Many of the poems in the volume have already been given to the readers of *The Atlantic*, but Miss Thomas gains by having her separate poems brought together. Their range is discovered, and the different notes which she strikes are more distinct by their repetition. First of all, one notices afresh with delight that power which she has of animating nature, without recourse to the familiar machinery either of supernatural figures or of too insistent translation into human analogues. The opening poem in this volume, for instance, *The Breathing Earth*, renders with exquisite grace a most subtle sympathy with nature. This poem illustrates also that artistic touch which every one perceives in Miss Thomas's work, — a touch of lightness, which affects one much as the rare skill of some pianist, whose fingers seem so sensitive to contact with the keys that the merest touch is enough to awaken melodies. The poem on *Anemone* again catches the faint flush of the wind flower, and *A Nocturn* has the hush of the night. Again and again one is surprised by the fine accord with nature which permits the poet to render the most elusive moments not in vague terms of the human sentiment, but in specific terms of natural life.

We are glad to see a gain in this respect over the poems of Miss Thomas's former volume. In that, she made more frequent use of classic terms in which to express her interpretation of nature.

There are but few poems here directly inspired by classic subjects, and we would gladly have more; but there is a marked absence of that suggestion of a book in the hand which gave a certain charm to her earlier poems, — a charm, however, not so abiding as the stronger one, which rests in the immediate contact of life and nature. A firmer tread in the woods and by the lake shore falls upon our ear, as the poet leaves her book behind.

There is a tone in this volume which was occasionally sounded in the earlier, but so frequently here as to be unavoidable. We mean that questioning of mystery in suffering and death which, speculative in some, is in others too earnest and forcible to be referred to merely intellectual curiosity. It takes the form in these poems, not of impatience, or querulousness, or resistance to fate, but of that silence which is broken by song, that courage which is born of serene faith. There is a breath of sadness in many of the verses, but one is aware of spiritual power which is not to be overcome by adverse fate. Indeed, even more than in the previous volume, there is sounded a note of triumph which stirs one's blood. The *Leader* is a poem which has the voice of a trumpet, and we greatly mistake if it does not quicken the pulse of many a man and woman. Altogether, in its range and in its depth, this volume of *Lyrics and Sonnets* will not merely confirm Miss Thomas's position, but greatly increase the confidence in her genius.

THE GONCOURT MEMOIRS.

"FOR me Nature is an enemy. The country seems to me funereal. The green earth appears to me like a great cemetery. That grass feeds on men.

Those plants grow and flourish on all that dies. That sun which shines, so smiling, so bright, is the great corrupter. Trees, sky, water, — all this suggests

to my mind an allotment in a burial-ground, where the gardener renews the flowers in the spring. . . . No, nothing of all that in Nature speaks to me says anything to my soul. No, it does not touch me like that woman who, at table just now, reminded me by the upper part of her head of Andrea del Sarto's Charity, and by her mouth of the ghoul of the Arabian Nights. . . . No, it does not touch me like our talk of yesterday, the quick and cruel talk of young B. about Mirès. The physiognomy of woman and the word of man, — there alone is my pleasure, my interest."

This extract might serve as the epigraph of the *Journal des Goncourt*,¹ the second volume of which has recently appeared, containing the memoirs of the literary life of the brothers Edmond and Jules de Goncourt during the years 1862–1865. This book is simply unique in the annals of French literature, — unique as a piece of literary art, and unique in the nature of its subject-matter. It is the diary of the most delicately sensitive observers, and at the same time the most exquisitely appreciative critics and historians of the art and society of the eighteenth century in France. As the passage above quoted warns us, we must not take up the *Journal des Goncourt* in the hope of finding any sympathetic record of the influence of earth, sea, or sky on the souls of the writers. The Goncourts are absorbed, as men rarely have been absorbed, in matters of art and of intellect; in the meditation, the contemplation, the enjoyment, of an idea, of a line, of a touch of color. They have studied themselves, their own sensations, the movements of their hearts, the quiverings and vibrations of the finest fibres of their faculties of enjoyment and suffering, with such persistency and refinement that they have become marvelously sensitive in-

struments for the notation of the most delicate and fugitive impressions of art and psychology. The Goncourts are Latin men; for them the garden of reality contains no mazes, no secret arbors, where they do not dare to penetrate. Thus put upon his guard, the Anglo-Saxon reader will pass certain pages, if he pleases, — perhaps thirty out of three hundred; the rest he will read and wonder at, for in them he will find living and literally speaking portraits of many of the most remarkable writers and thinkers of the past forty years. The Goncourts were amongst the earliest members of the famous Diner Magny, where, every Friday during the Empire, the guests were Gavarni, Sainte-Beuve, Théophile Gautier, Paul de Saint-Victor, Taine, Renan, Berthelot, Nefftzer, Scherer, Flaubert, etc. When reading here and there in other literary memoirs about this dinner of illustrious wits, how often have we regretted that no record remained of their after-dinner talk! Happily, the Goncourts were there, and after every meeting the brothers would sit up till two or three o'clock in the morning, writing down in their diary the conversations in which they too had had their share; and, the memory of one aiding the memory of the other, they would reconstruct the whole train of observations, answers, contradictions, and epigrams, giving with the fidelity of a stenographer the *ipsissima verba* of the speakers, but, with the art of the writer, omitting the superfluous, using freely a line of dots here and there, and preserving only the very *summum* and essence of what was said. This notation of real conversations has never before been achieved with such perfect art. Often the accompanying gesture is given; the voice, even, is vividly described; each man speaks in a personal manner, with his own peculiar rhythm, his special cut of sentence, his particular accent; and as the same men return again and again in these conversations, we finally become

¹ *Journal des Goncourt. Mémoires de la Vie Littéraire. Deuxième Volume.* Paris: G. Charpentier et Cie. 1887.

so intimately acquainted with them that we seem to hear Sainte-Beuve interrupting his short, choppy little phrases with his inevitable "hum, hum," and Théophile Gautier uttering prodigious paradoxes and terrible anathemas with the suavity of a serene and corpulent Titan. Besides these wonderful conversations, which defy translation, there are admirable pen-portraits: notably one of George Sand when she was living with the engraver Manceau, in the Rue Racine; another portrait of George Sand at Nohant, drawn by Théophile Gautier, and reproduced by the Goncourts; another of Michelet, described as having the appearance of a *petit bourgeois rageur*. All the men and women who figure in these literary memoirs are faithfully depicted, as they appeared and as they talked during the moments when they came under the observation of the Goncourts, in various moods and in various attitudes, both moral and physical. Often the conversation of these famous personages is far from Olympian; not

unfrequently it is surprising in its grossness; but, nevertheless, it is always the conversation of high intellect. And this must be carefully borne in mind by those who might be tempted to criticise the uncompromising sincerity of the MM. de Goncourt. Whatever they may have said about Michelet, Gautier, or Sainte-Beuve, and however familiarly they may have depicted them, the authors have always presented their friends as men of distinguished intellect, and never with any intention of diminishing or disparaging their worth.

The Journal des Goncourt will comprise in all about ten volumes, half a dozen of which M. Edmond de Goncourt purposes to publish during his lifetime. To judge from the two volumes which have already appeared, and especially from this second volume, it is not impossible that for profound and complete literary and human interest the Journal will eventually be ranked above all the other works of the two illustrious writers.

THE CONTRIBUTORS' CLUB.

Why Persons of Sense
act like
Fools.

MEDITATING on the fact that many a person who is not a fool is nevertheless found on occasion to act like one, I am led to inquire into the causes of this phenomenon. These appear to group themselves under certain heads, which I will herewith set forth in order, as old-fashioned preachers did their hour-long discourses.

And first, I need only briefly note one of the commonest causes of foolish action and speech, since it is so well known and so simple of apprehension as to call for little comment. Anger being a short madness, it follows that the subject thereof does not see things or persons as they really are. He has

lost, for the time, that power of godlike reason which distinguishes man from the brute.

Secondly, a less obvious cause of folly is the lack in man or woman of what I will comprehensively term sensibility, by which I mean the capacity for the more generous emotions of the soul. I shall best illustrate my meaning by an example. Let us imagine a man, A, to be thrown into pretty close relation with another, B; and let us suppose that in this relation the latter displays toward the former an affection and kindness testified to by word and deed. Later on, clouds come over their intercourse, chiefly caused by A's self-regarding cau-

tiousness, and inability to comprehend B's disinterested attitude toward himself. Feeling in his own colder nature no glow of regard answering to that bestowed by B, he also experiences but a slight emotion of gratitude for the same; he fails to interpret magnanimously B's words, misjudges his conduct, ungenerously repels his efforts at explanation, and throws away the friendship of a man worth himself ten times over. Can any folly be more self-retributive than to refuse such a jewel, when offered?

Thirdly, impulsiveness is the cause of many an unwise speech and action, sadly regretted, perhaps, when reflection follows: and with some persons reflection is apt to come close upon the heels of impulse. If only the impetuous person could have put the curb upon himself, and for one little half hour taken time to think! This is commonly supposed to belong to youth, but it is in truth more a question of temperament than of years, and there are men and women who retain the fresh force of impulse to the last of life.

Fourthly, a fertile cause of blundering is the habit of being guided by popular formulas and wise saws, instead of trusting to one's own reason and to the unbiased instincts of the heart. This is a sort of folly which alone would furnish matter for lengthy discourse, and is vividly and abundantly illustrated in the world of every day. People will follow words, words, and if once they begin doing so, as it has been said, they never can tell where they will end. "The eyes, the sympathies, even the appetites, know a thing or two" that have never been put into syllogism, nor into those phrases of convention and sage maxims whose "narrow truth is but broad falsity." Never to think and to judge for one's-self is to give away one's birthright for nothing, and the fatal result thereof to make a man into a fool, when Nature did not intend him to be one.

Fifthly, a form of foolishness which

some very acute persons are guilty of is the striving too hard for certain things they want, or grasping to get too much of them, whereby they fail to secure any. The unscrupulous selfishness that wastes energy in overreaching its mark is so analogous to another species of folly that the two may come under the same head. If a man is a fool who plays the rogue more actively than is necessary, he is a fool of like quality who sets out to be a knave, and cannot decide to be a thorough-paced one. Who wills the end must will the means; he must not lack what may be called immoral courage.

Sixthly, a sagacious person will sometimes behave like a fool by being irritated into arguing with one.

Seventhly, and lastly, people, otherwise sensible enough, but wanting in the sense of humor, may be guilty of absurdity at any moment of the twenty-four hours. They will put ideas together without a suspicion of their incongruity, gravely place themselves and other people in ridiculous situations, and never be aware that they have done anything amiss.

The fanatic, a species of earnest and often most respectable fool, is generally wholly without humor.

I may quote an example of aspiring and enthusiastic folly, accompanied with total want of humor, from a biographical sketch lately issued by a Boston publishing firm, in which the author declares of his subject that we have in her "the true focus of Mind," one who has struck out to demonstrate truth "with the dash of an Amazon and the strength of a Hercules;" who has cleared up the "muddle" in which Kant left metaphysics, and sent "irresistible thunderbolts of pure fact through solid intellect into the eye of materialistic philosophy," and also, "beginning with the two-edged sword of Truth, has strewn her pathway with Huxley & Co.'s intellectual ruins." After this feat, we are not surprised to

learn that the labors of Plato, Aristotle, Descartes, and Hegel are simply left nowhere in comparison with the intellectual work achieved by this phenomenal mind, nor that other philosophical writers may have "discerned somewhat, but through pride or love of popularity they fell back, like the worm that has nearly ascended the tree." The biographer adds the remark that they — the unfortunate philosophic worms — "return to earth to cater to public taste." Is it the public of the poultry yard that is alluded to? This gifted being is pictured for us by the glowing imagination of the biographer as listening to the music of the spheres, and emerging from her rapt solitude to "mount the world's pulpit," — a Mont Blanc height of abstract thought is the pulpit, the biographer kindly explains. Then her hearers find themselves in the audience-chamber of supreme understanding, "the walls only limited by the mental horizon of eternity, decorated with thought-gems, and then the throb of inspiration bursts forth, vibrates through the congregation of ideas, and enwraps us in celestial repose." History must reveal this woman and her works, we are told, yet they have already "marvelously survived, and nothing can stay her thought's circumnavigation of the globe." Let us all go sit at the feet of this teacher, since "there is no kink in the problem of life which does not find in her its full and ready disentanglement."

I do not know if a rivalry exists between the system so enthusiastically advocated by the above ardent disciple and the neo-Buddhism so much in vogue in some quarters; it may be that the radiance of spiritual glory emanating from these sublime ideas has the effect of somewhat dazzling the vision of the neophytes, so that they are found entering the temple of theosophic worship when they properly belong to that of Christian Science. The teachers hold the distinctions of their respective creeds

clearly, no doubt; and if the devotees of these new-old religions and philosophies remain a little vague in their apprehension of mystical doctrines, why, perhaps it does n't so much matter.

Are Good-Natured People Uninteresting? — In a chance interview with a lady contributor, the other day, the name of a common acquaintance of ours was mentioned, whereupon, in response to a direct inquiry, I spoke of him as "a pleasant man." It seemed a safe and timely remark. Certainly I intended no offense. On the contrary, I meant to be understood as paying a compliment; which, as I gathered from my interlocutor's manner, was precisely what the occasion called for. But she picked up the word with something almost like resentment. Pleasant people, she declared, were as a rule a very uninteresting set. I made amends as best I could, on the spur of the moment (in my own case this famous spur commonly proves rather dull and inefficacious), by explaining that, so far as I could judge, her friend was by no means good-natured enough to spoil him, and there the matter ended; but since then it has several times recurred to my thoughts. I have no prejudice against a paradox. A statement may be all the truer for seeming to be false, or, if not absolutely truer, it may at least be more truly effectual; but is it not putting too great a strain upon language, as well as too heavy a yoke upon the conscience, to treat a simple imputation of amiability as if it were tantamount to a defamation of character? "The tongue can no man tame," says an apostle; and if this be true, — as I have never seen reason to doubt, — then surely one may hope to be forgiven a slip so slight and unintentional as that of applying the epithet "pleasant" to a gentleman of whose qualities, good or bad, one knows next to nothing. Such an offense, I am bound to say, looks to me comparatively venial, especially in view of the freedom with which all of

us are accustomed to handle the reputation of absent friends and neighbors.

Yet, as I have turned the subject over in my mind, I have found myself entering more and more into a measure of sympathy with my fellow-contributor's feeling. As a general thing, original people, people with wills and opinions, — in other words, interesting people, — are not, I am inclined to believe, of a very easy-going temper. The man who has a mind of his own usually wishes to have his own way, and is therefore not likely to be regarded as in any conspicuous degree pleasant. When it is said of a clergyman, "Oh, he is a very *good* man," all church-going persons at once get an idea of very dry sermons. (For the conveying of such a compliment as this all the vowels and consonants together are not equal to one left-handed inflection.) The most interesting character in Milton's *Paradise Lost* is unquestionably the arch-fiend himself; and in the modern newspaper, — epic poems being long out of date, — no class of persons, unless it be political candidates, cut a greater figure than the criminals. There is no doubt of it, good nature and even a good character — which things, I comfort myself with hoping, are not exactly the same — do tend to grow somewhat monotonous and tiresome. Human nature is like an apple, — all the more palatable for being a trifle tart. No husband and wife ever lived together in greater mutual affection than did Elia and his cousin Bridget, concerning whom we read, nevertheless, "We agree pretty well in our tastes and habits — yet so as 'with a difference.' We are generally in harmony, with occasional bickerings, as it should be among near relations. Our sympathies are rather understood than expressed; and once, upon my dissembling a tone in my voice more kind than ordinary, my cousin burst into tears, and complained that I was altered."

A little flavor of individuality and

self-will is excellent for preventing insipidity. Thus I theorize. And why not? If a man is fond of his own ease and his own way, always "notional," often out of sorts, and never very amiable, why should he not shape his theory to fit the facts?

All the while, however, I am conscious that I could find much to say on the other side. There used to be a funeral hymn (it may have gone out of vogue ere this) beginning, "Sister, thou wast mild and lovely," the word "lovely" being employed, I take it, in the old-fashioned, dictionary sense of lovable, not in the new-fangled, boarding-school sense of beautiful; and I cannot help feeling that mildness, gentleness of spirit, is one of the traits which most people like to attribute to their friends, at least after they are dead. It would sound rather odd and incongruous — would it not? — to sing about the coffin, "Sister, thou wast irascible and interesting." And even in the case of the living, I must confess to a preference for an equable and obliging disposition, especially in a woman. I may be whimsical, but I have never seen many who affected me as uncomfortably sweet-tempered.

My fellow-contributor is a writer of stories, and possibly may have fallen a little into the habit of looking at her neighbors, as painters look at sunsets, from a professional point of view; and in these days of realistic fiction (or fictitious realism, — the phrase may be ordered to suit the individual taste) it would no doubt go hard with novelists, especially with the feminine members of the guild, if everybody else were as amiable and innocent as they are themselves. Even a Sunday-school novel must have at least one wicked character. I, however, who write no stories, may be pardoned, I trust, for remaining, on the whole, of a different mind. For a wife, sister, or familiar friend, then, give me one who is never cross-grained or disputatious, but, as country people say, "always just

so." Let me have such about me, and I will cheerfully risk any possible scarcity of interesting vixens and villains. These are common enough at present, certainly, and, to my vision, seem no more likely to fail than seedtime and harvest; standing, I sometimes think, in the class of universal and indiscriminate mercies, like sunshine and the rain.

The Proposed Universal Language. — Public attention has of late been frequently called to the Volapük, or universal language, invented by the German linguist, John Martin Schleyer. It is said to consist of the best of over twenty languages, omitting their irregularities, the majority of the words being taken from the English language, and the others being represented in proportion to their importance.

The inventor of the new language does not propose to suppress other tongues, but merely to supply a new one for the common purposes of all mankind. The arguments most urgently insisted upon in favor of the adoption of the Volapük language are that it would be a convenient medium for commercial intercourse, and an important agency in promoting the universal brotherhood of mankind.

The advantages of a universal language are numerous, and so obvious as not to require to be pointed out. It is not certain, however, that the best way of obtaining the desired object would be by the formation of a new language. While the proposed Volapük might take the place formerly held by the Latin, as a common channel by which scholars throughout the world might communicate ideas to each other, it would not come into use for popular literature, and hence it would necessarily remain stiff and formal.

What is really wanted is a universal language for popular use; a living language; a language subject to the laws of growth and development, which oper-

ate to give life and vigor to speech in actual use by progressive communities of mankind. There do not seem to be any good grounds for the success of a Volapük made to order, but it is possible that a "world-speech" may result from the orderly development of human affairs. The signs of such an event are plainly observable. Such extensive portions of the world have already been brought under the control of English-speaking people, and the prospects for the still more extensive dominion of our race are so bright, that the problem seems likely to be ultimately solved by the spread of the use of the English language into every region of the globe.

In case such a result should be worked out by time, the future history of our language would be no more marvelous than its past. Four hundred years ago our language was confined to a portion of the island of Great Britain. Now it possesses large regions in every quarter of the globe. It is destined, through the expansive energy of the United States, to spread through the whole of North America by displacing the Spanish in Mexico; while in India, as the language of the governing power, it must ultimately prevail over the native tongues.

There was a time when doubts prevailed as to whether unity of language and literature would be preserved by the dispersed descendants of Englishmen. Noah Webster, just at the close of the Revolutionary War, in writing in favor of reform in the spelling of our language, recommended the adoption of a policy intended to give America a distinct language. In his work on this subject he says, —

"A capital advantage of this reform, in these States, would be that it would make a difference between the English orthography and the American. This will startle those who have not attended to the subject; but I am confident that such an event is an object of vast polit-

ical consequence. For the alteration, however small, would encourage the publication of books in our own country. It would render it, in some measure, necessary that all books should be printed in America. The English would never copy our orthography for their own use; and consequently the same impressions of books would not answer for both countries. The inhabitants of the present generation would read the English impressions; but posterity, being taught a different spelling, would prefer the American orthography. Besides this, a *national language* is a bond of *national union*. Every engine should be employed to render the people of this country *national*; to call their attachments home to their own country, and inspire them with pride of national character. . . . Let us then seize the present moment, and establish a national language as well as a national government."

In process of time Webster gained more enlightened views. In the preface to his dictionary, he expressly says that it is desirable to perpetuate sameness between the language of England and America. He refers with pride to the fact that the country has writers who present as pure models of genuine English as Addison or Swift. He exultantly looks forward to the time when the standard of our vernacular tongue will be respected by five hundred millions of people in America alone.

The earlier British writers had very contracted notions as to the extent of the field for their fame. They thought they were writing for only a part of one small island, in a language not destined to endure. Bacon sought to perpetuate his fame by translating into Latin the works he had written in English. In a letter written to Tobie Matthew, in 1623, he says, —

"It is true my labors are most set to have those works which I formerly published, as that of the Advancement of

Learning, that of Henry VII., that of the Essays, being retractrate and made more perfect, well translated into Latin by the help of some good pens which forsake me not. For these modern languages will at one time or another play the bankrupt with books; and since I have lost much time with this age, I would be glad, as God shall give me leave, to recover it with posterity."

Pope, in the preface to his poetical works, after speaking of how much more care the ancients took than the moderns to correct and finish their writings, says :

"If we can pretend to have used the same industry, let us expect the same immortality; though, if we took the same care, we should still lie under a further misfortune: they writ in languages that became universal and everlasting, while ours are extremely limited both in extent and duration. A mighty foundation for our pride! when the utmost we can hope is but to be read in one island, and thrown aside at the end of one age."

So, too, the poet Daniel, in the Elizabethan age, laments the contracted bounds which then confined the knowledge of the English tongue to his "scarce-discovered isle: " —

"Oh that the ocean did not bound our style
Within these strict and narrow limits so;
But that the melody of our sweet isle
Might now be heard to Tiber, Arne, and Po;
That they might know how far the Thames
does outgo

The music of declined Italy!"

He also predicts, in lines written some years before the Puritans landed on Plymouth Rock, that the English language would in future times be more widely spread, when he says, —

"Who knows whither we may vent
The treasures of our tongue? to what
strange shores
This gain of our best glory may be sent,
T'enrich unknowing nations with our stores?
What worlds in the yet unformed Occident
May come refined with accents that are
ours?"

If Bacon's works, especially his Es-

says, upon which his popular fame chiefly depends, had survived him only in the Latin tongue, how little would now be heard of him outside of scientific circles! Pope's fears as to the narrow limits of his fame seem very ridiculous, now that he probably has in Australia alone, then scarcely known, as many readers as he had in England in his lifetime; in America, fifty times as many; to say nothing of those in India, South Africa, and the other possessions of Great Britain.

Moreover, in every civilized country a knowledge of the English language is now an essential part of a liberal education. On the continent of Europe, those

who read the plays of Shakespeare with facility exceed in number the Englishmen who, in the days of Pope, were familiar with the literature of their own country. In Germany, in particular, the study of English has of late been increased by a disinclination to study the French language and literature, growing out of political hostility to France. It is very certain that if the English language shall continue to spread in the same ratio in the future as it has during the past three hundred years, it will soon become practically the world-speech, instead of that which Professor Schleyer and his followers are advocating.

BOOKS OF THE MONTH.

Theology and Religion. The Divine Man, from the Nativity to the Temptation, by George Dana Boardman. (Appleton.) An elaborate amplification of the brief portion of the Gospels which refer to the Christ before his public ministry. It is exegetical, homiletic, and occasionally literary. It is perhaps wordier than some readers of religious literature like, and less suggestive to thoughtful persons, but it is fervid, and implies no doubts or misgivings. — Sermons Preached in St. George's, by W. S. Rainsford. (Dodd, Mead & Co.) Earnest, direct, short sermons, that have the vitality of the preacher infused in them. Now and then a striking thought occurs, but for the most part the sermons are an eager voice, penetrating, if possible, the conscience and heart. — The World to Come, by W. B. Wright (Houghton), is not the world of some future and other abode of human life, but our present world when lifted to that place for which God designs it. Mr. Wright is a fresh sermonizer. He is often very keen in his exegesis, and wholly unconventional in his manner. He writes with nervous force and must, we think, catch many readers who would turn away from most books of sermons. — The Evolution of Immortality, or suggestions of an individual immortality based upon our organic and life history, by C. T. Stockwell. (Charles H. Kerr & Co., Chicago.) A thoughtful little book, which considers the growth of human being

from embryological and cell-life up to the origin and evolution of consciousness, and, noting at every step the anticipation of the next, is justified in looking forward in the same line from the present point. It is worth reading. — What and Where is God? by H. B. Philbrook. (Philbrook & Dean, Chicago.) The title-page declares further that this book is "a discussion of the cause, character, and operations of the Creator," and the preface, duly signed by the author, is as follows: "An apology is wanted for a book's appearance only when it is a work of no value to a community or any class of persons." A further examination of the work convinces us that H. B. Philbrook is a community. It closes with what the author calls Psalms, but which are really Conundrums, as witness this verse: "Who gave a plain a creature, and who filled the air with birds? Is there a plumage upon a cat? Can a bird devour a grass?" We give it up. — Millennial Dawn, vol. i.; the Plan of the Ages. (Zion's Watch Tower, Pittsburgh.) The reader will pause long before the chart which prefaces this wonderful volume, and then, if he likes, can read three hundred and fifty pages of small print, which aim to present the plan of God, as derived from the Bible, with special reference to present labor problems. It is a dreary piece of work. — Our Heredity from God, consisting of lectures on Evolution, by E. P. Powell. (Appleton.) The work of a preacher who,

finding his traditionally received views of theology swept away by the Darwinian doctrines, yet moves through these same doctrines to what he holds as a more impregnable position regarding the being of God and the relation of man to him. The lectures have a good deal of unconventionality about them, and there is an apparent effort at sharpness and cleverness which makes one distrust somewhat the speaker, as if he had not that profound humility which is the unerring note of true seekers after truth. — *Christian Facts and Forces*, by Newman Smyth. (Scribners.) A score of discourses, marked by that frank yet reverent spirit which gives one the feeling that the preacher breathes the air that envelops the world, and not the carefully regulated air of the study. Mr. Smyth feels too keenly the life that goes on about him not to express his Christian faith in terms that show sympathy with that life. His book is honest, positive, and helpful. — *The Story of the Psalms*, by Henry Van Dyke. (Scribners.) An interesting treatment of the Book of Psalms, by which the historical basis, where there is one, is carefully disclosed and commented on. Others are made the occasion for fresh and earnest application. The entire book strikes us as a happy improvement in method upon ordinary commentaries. — *Life's Problems, Here and Hereafter: an Autobiography*. (Cupples & Hard.) The autobiographic form is chosen, apparently, to enable the writer to speak most freely on such subjects as Personality, Immortality, the Spiritual World, Prayer, and the like, since the results reached are determined by personal consciousness acting on rational lines. It is a story of intellectual and spiritual travail from Doubt to Faith. It is an interesting book by a thoughtful person, and, if not always incisive, it is honest and candid. — *Uplifts of Heart and Will*, a series of religious meditations or aspirations, addressed to earnest men and women, by James H. West. (Chas. H. Kerr & Co., Chicago.) These meditations are drawn, we believe, from actual use in a congregation by the minister. They are especially characterized by the absence of personality, though the writer would probably claim that they expressed a higher spirituality. But religion which seems so unwilling to spell God without drawing it out into Good is rather apt to add naught to the original conception. — *Philosophy of Theism*, by Borden P. Bowne. (Harpers.) In the author's words, he has sought to give an outline of the essential argument which might serve as a text for teachers, and as a somewhat critical survey of the subject for other readers. Mr. Bowne is a keen critic, and it is a pleasure to read a writer who thrusts so positively. He is slightly contemptuous over what he calls

the "atheistic gust of recent years," and remarks slyly that the "British Association for the Advancement of Science has not favored us with a cosmological manifesto for the last dozen years." — *The Bhagavad Gîtâ*, or *The Lord's Lay*, with commentary and notes, as well as references to the Christian Scriptures; translated from the Sanskrit for the benefit of those in search of spiritual light, by Mohini M. Chatterji. (Ticknor.) This version differs from those already in English chiefly in this: that the translator has in mind not the satisfaction of intellectual curiosity, but the distinct guidance of the spiritual nature. Therefore he has availed himself of modern Brahminical comments, and has sought to show the essential harmony with the Christian Scriptures. It is a pity that the Scripture texts in the notes had not been given in full rather than by reference merely. — *History of the Christian Church*, by George Park Fisher. (Scribners.) Professor Fisher is a marvel of industry. More than that, he is not a dryasdust, but sees so clearly the just relations of historic movements and is so catholic in his judgment that he makes history, even when compact and closely narrative in form, an interpretation of life and thought. — *Ecclesiastical History of Newfoundland*, by the Very Reverend M. F. Howley, D. D. (Doyle & Whittle, Boston.) The size of this volume, an octavo of over four hundred pages, compels the author to treat his subject as a great one, and the figures in it of priests who have made the ecclesiastical history are "colossal-minded," and their reign is "glorious." One needs to get at the exact angle of the writer of this book in order to see proportions as he sees them.

Travel and Nature. *Ten Thousand Miles on a Bicycle*, by Karl Kron. (Author, The University Building, Washington Square, New York.) This is a book of eight hundred pages, in very small type, that it may be packed, we take it, in the haversack, or whatever the pillion of a bicycle is called; for it is a traveler's guide to all sorts of places on the American continent, besides containing a vast deal of cursory information, which the tired bicyclist, if he has a microscope about him, may read when his wheel is lying gently on its side, or standing sidewise, at his nooning-time. The author is fatiguingly egotistical in his preliminary matter, — a little of the ego goes farther than a good deal of it, — but he certainly may be thanked for packing so much necessary information in the same parcel with his needless word-spinning. If he had condensed his matter and enlarged his type, we could have praised him more heartily. — *Mountain Trails and Parks in Colorado*, by L. B. Trance. (Chain, Hardy & Co., Denver.) An agreeable mixture

of personal adventure and reflection. The customary characters that serve to give spice to hunting and fishing excursions in literature are introduced, but the author is much more interesting than his imagined friends. — *Winter*, from the Journal of Henry D. Thoreau, edited by H. G. V. Blake. (Houghton.) This volume, made upon the same general plan as *Spring* and *Summer*, introducing passages from Thoreau's journals in the order of the season, but regardless of years, will have a strong interest for lovers of a writer who is winning a place in men's regard as well as holding his place in literature. It seems to us that a softer manner pervades this book, and that one might almost take it as expressing riper thought; but that, of course, can be only fancy, since the plan of editing precludes such a notion. If the interest in Thoreau increases, his admirers and students will begin to wish that they had his writings before them more distinctly in chronological order. Mr. Blake's careful dating, however, of these volumes of extracts will put the reader in possession of the means of such a survey. — *A Vacation in a Buggy*, by Maria Louise Pool. (Putnam.) An animated record of a drive through the Berkshire Hills; written originally for a newspaper, and with something of the transient form still clinging to it. It is in fact sprightly enough in parts to make one wish the whole had been as good as these parts, and that then there had been more of it. — *The Isles of the Princes, or The Pleasures of Prinkipo*, by Samuel S. Cox. (Putnam.) If Mr. Cox were only lively, his book would be, as our cousins say, not half bad. But he is not content with being lively. He has too much the self-consciousness of a Congressional wit. — *The Heart of Merrie England*, by the Rev. James S. Stone, D. D. (Porter & Coates.) The record of the experience of a scholarly man, who knows England by books and by personal residence and saunter. There is a leisureliness about the work which is very agreeable, and there will be found many to echo the author's sentiment for the nooks and corners which have not yet been spoiled by the tourist crowd. — *Ancient Cities of the New World*, translated from the French of Désiré Charnay by J. Gonino and Helen S. Conant, with an introduction by Allen Thorndike Rice (Harpers), is a record of voyages and scientific explorations in Mexico and Central America from 1857 to 1882. The general reader as well as the archaeologist will find this to be an important work. — An interesting series has been begun in *Trees of Reading, Mass.* Mr. F. H. Gilson, of that town, has been photographing, and then printing, by the heliotype process, and the noble trees of his vicinity, accompanying each

print by a page of description and history. He clearly sympathizes with and respects his subjects, and the *naïveté* of his letterpress accords well with the simplicity and dignity of the prints.

Fiction. *The Count of the Saxon Shore, or the Villa in Vectis, a Tale of the Departure of the Romans from Britain*, by the Rev. A. J. Church, with the collaboration of Ruth Putnam. (Putnam.) An historical romance, which is in some respects an odd translation of modern life into ancient terms. — *The Story of Antony Grace*, by G. Manville Fenn. (Appleton.) The story, being autobiographical in form, avails itself easily of conversation as the means of carrying forward the plot. There is hardly a description in the book more than three lines long. — *Home Again*, by George Macdonald. (Appleton.) The story of a young man who thought he had genius as a writer, and went out into the world to fulfill his destiny, only to come home again to his farm, there to work at his living, and to write his verses at his honest work. — *The Story of an Enthusiast*, told by himself, by Mrs. C. V. Jamison. (Ticknor.) The enthusiast is a painter, and a somewhat wordy one, who has sufficient acquaintance with ordinary composition to construct an autobiographic story, but not enough imagination to make any connection between the form of the story and the character of the story-teller. — *Our Party of Four, a Story of Travel*, by Mrs. H. B. Goodwin. (Cupples & Hurd.) The travel was in Spain chiefly, the four were American women, and there is a mild love-story woven. The whole is a sort of wax-work show. — *Zorah, a Love Tale of Modern Egypt*, by Elizabeth Baleh. (Cupples & Hurd.) The story is a romance spun out of whole cloth, with threads of Eastern scenery and life shot through it. It is hard to make the people real, or to believe in their possible existence. — *Bledisloe, or Aunt Pen's American Nieces, an International Story*, by Ada M. Trotter. (Cupples & Hurd.) The graceful little poem to this story leads one to expect much more than he finds in the story itself, or perhaps, more strictly, much less, — less conventional tragedy, less tiresome repetition of worn-out novel-themes. If the author had aimed at a simple pastoral, she might have reached a success, but she has superimposed upon a slight basis a tottering fabric of love, debt, heroism, self-sacrifice, et cetera. — In Paul and Christina (Dodd, Mead & Co.), Mrs. Barr is on familiar ground. She finds in the wild nature of the Orkneys and the rude fisher folk an excellent opportunity for presenting those studies of human life which collect about strong will, struggle with temptation, noble victory, in terms almost elemental. The ab-

sence of a complex civilization helps her, and she manages to give almost a Scandinavian value to her story. — *The Flag on the Mill*, by Mary B. Sleight. (Funk & Wagnalls.) A domestic tale with a self-sacrificing heroine and two young men, one noble and serious, the other frivolous and handsome; customary runaway teams, houses afire, and bedridden invalids. — *Miss Curtis*, a sketch, by Kate Gannett Wells. (Ticknor.) Under the guise of a study of an impossible character, Mrs. Wells has given herself the opportunity of talking rationally about charity and social life, without frightening away the hearers. — *The Lost Wedding Ring*, by Mrs. Winter and Mrs. Boy. (Putnams.) A discussion of marriage set in a somewhat confusing border of conversation, club, and incident. The writer appears so eager to escape the charge of dullness as to be open to the charge of talking in riddle. — *Tony, the Maid*, by Blanche Willis Howard. (Harpers.) Has not Miss Howard dropped two or three pegs in this book? She used to write careful stories, and stories which aimed at high success. This is a cheap thing. — *Frau Wilhelmine*, the concluding part of the *Buchholz Family*, by Julius Stinde, translated by Harriet F. Powell. (Scribners.) More of this curiously wrought piece of assumed naïveté. — *Within and Without*, a Philosophical, Lego-Ethical, and Religious Romance, in Four Parts. (J. Thompson Gill, Chicago.) Rather an alarming notice to post at the entrance of a novel, and readers will be likely to stay without, rather than go within and face the problems which would appear to confront them. The book is a somewhat tiresome story, made to carry a good deal of not very new nor very incisive criticism of evangelical religion. There is, it must be said, an absence of cheap ridicule, and an evident desire to do justice to a form of faith which the author has outgrown. But the book is dull, and not important. — *Mona's Choice*, by Mrs. Alexander. (Holt.) Mrs. Alexander has not lost her skill as a novelist, but much practice seems to have deadened her sensibilities, and her latest work does not have the charm of the earlier. — *Mr. Absalom Billingslea and other Georgia Folk*, by Richard M. Johnston. (Harpers.) A collection of the rough, humorous stories which Mr. Johnston and his readers find very entertaining. They do not belong to the school of the New South, — they may be classed rather with Georgia Scenes, and they have an old-fashioned air about them; but they have an unctuousness of humor which renders them acceptable to many who are tired of finespun character

sketches. — *Seth's Brother's Wife*, by Harold Frederic. (Scribners.) A novel of New York country life, which has been running as a serial in Scribner's Monthly. — *Jack the Fisherman*, by Elizabeth Stuart Phelps. (Houghton.) A strong story, as unpleasant as life. The grim logic of events is not interrupted by any soft-hearted Providence of an author.

History and Biography. Brief Institutes of General History, by E. Benjamin Andrews. (Silver, Rogers & Co., Boston.) This book differs from such a work as Fisher's Outlines by undertaking to set forth the underlying principles of historic development in chronological order, events being introduced as illustrative. The book thus becomes a good companion to Fisher's Outlines, the one complementing the other. Bibliographical aids are given, and abundant foot-notes. The value of such a work is largely in the success with which it discerns the logic of history. Dr. Andrews seems reasonably free from pet theories; he has availed himself of substantial works by German students, condensing their results, and thus putting the reader into possession of the suggestions which are so profuse in such literature, and its most serviceable characteristic. The book is one which will appeal to thoughtful students; the ordinary mechanical student would be bewildered by it. It ought to serve an important end in quickening thought and enlarging conceptions. — A new series has been started, *English History by Contemporary Writers*, under the editorship of F. York Powell. Its design is to select such passages as may give in quickest fashion the salient points. The idea is a capital one, provided the subjects taken for illustration are sufficiently limited to allow of the treatment. We wish that the editor had gone a step beyond, and indicated in detail further illustrative passages, named by title only, for the convenience of students who wish to pursue the same method. The series will be of greatest help to those who are already prepared with a definite knowledge of the times. The first volume is *Edward III. and his Wars, 1327-1360*, and is arranged and edited by W. J. Ashley; the second, *The Misrule of Henry I. L., 1236-1251*, by Rev. W. H. Hutton. (Putnams.) — *The Lawyer, the Statesman, and the Soldier*, by George S. Boutwell. (Appleton.) Biographical and personal sketches of Choate, Webster, Lincoln, and Grant. There is not quite as much reference to the author's personal acquaintance with these men as we had hoped to find, and we do not see that he brings a very acute criticism or power of characterization to bear on the subjects.

